

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

CrI.MC.No. 1828 of 2015 ()

**CP 48/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT,TALIPARAMBA
CRIME NO. 10/2009 OF TALIPARAMBA EXCISE RANGE OFFICE , KANNUR DISTRICT**

PETITIONER/ACCUSED No.4:

**KURIAKOSE P.X., AGED 39 YEARS
S/O. XAVIER P.C., HOUSE O.33/2550
A.K.G. VAYANASALA ROAD
THAMMANAM P.O., ERNAKULAM DISTRICT**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT/COMPLAINANT & STATE:

**STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM**

BY Sr. PUBLIC PROSECUTOR SAREENA GEORGE P.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

SD

P. UBAID, J.

Crl.M.C.No.1828 of 2015

Dated this the 20th day of March, 2015

O R D E R

The petitioner herein is the accused No.4 in C.P.No.48/2014 of the Judicial First Class Magistrate Court, Thaliparamba. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued by the learned Magistrate he seeks orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to consider and pass orders on his application for bail, on the date of his surrender itself. The learned Magistrate, who has issued warrant of arrest for proper reasons, will have to consider the request for bail. It is for the learned Magistrate to decide whether bail could be granted to the petitioner. The petitioner will have to surrender before the trial court and make application for bail. He will have to explain the reason for his absence in court. Anyway, let appropriate decision regarding bail be taken by the learned Magistrate. However, a direction can be made to consider and dispose of his application for bail on the date of surrender itself.

In the result, this petition is closed with direction to the court below that in case the petitioner makes application for bail on

surrender in C.P.No.48/2014, the same shall be judiciously considered and decided on the date of surrender itself. The petitioner is given time for seven days to surrender before the learned Magistrate, and make application for bail. During this period execution of the warrant of arrest will stand suspended.

Sd/-
P. UBAID, JUDGE

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