

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Crl.MC.No. 2013 of 2015 ()

AGAINST THE ORDER IN Bail Appl. 3190/2011 of HIGH COURT OF KERALA DATED
03-05-2011

AGAINST CC 516/2008 of J.M.F.C.-I, MAVELIKKARA
CRIME NO. 272/2003 OF MAVELIKKARA POLICE STATION , ALAPPUZHA

PETITIONER(S)/1ST ACCUSED:

TRADEEP, AGED 38 YEARS, S/O.DAMODARAN,
PUTHENVILAYIL VEETIL, SUJA BHAVANAM,
AKKANATTUKARA MURI,'
THAZHAKKARA VILLAGE, KALLUMALA P.O,
MAVELIKARA TALUK, ALAPPUZHA DISTRICT.

BY ADVS.SRI.M.V.THAMBAN
SRI.R.REJI
SMT.THARA THAMBAN
SRI.B.BIPIN
SRI.ARUN BOSE

RESPONDENT/COMPLAINANT:

STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
REPRESENTING THE SUB INSPECTOR OF POLICE,
MAVELIKARA POLICE STATION,
ALAPPUZHA DISTRICT – 688 001

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26-
03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 2013 of 2015

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE A1: TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.272/2003 OF MAVELIKARA POLICE STATION

ANNEXURE A2: TRUE COPY OF THE ORDER DATED 3.5.2011 IN B.A.
NO.3190/2011 OF THE HON'BLE COURT.

RESPONDENTS EXHIBITS:

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.2013 of 2015**  
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Dated this the 26th March, 2015

ORDER

The petitioner herein is the 1st accused in C.C No.516 of 2008 of the Judicial First Class Magistrate's Court-I, Mavelikara. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the court below, he seeks orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to recall the warrant, and to release him on bail. The learned Magistrate, who has issued warrant of arrest for proper reasons, will have to consider the request. It is for the court below 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 the application for bail on the date of surrender itself. I do not think that the

learned Magistrate will mechanically remand the petitioner to judicial custody, when the offences are bailable.

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.C. No.516 of 2008, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side.

**Sd/-
P.UBAID
JUDGE**

ma

/True copy/

P.S to Judge