

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

Crl.MC.No. 2082 of 2015 ()

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(CC 977/2010 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT -II,
KOTTARAKKARA)
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PETITIONER/ACCUSED :

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K.A.RAHMAN AGED 55 YEARS,
S/O. LATE POCKU, CHAMPAD P.O., PANNIANNUR VILLAGE
THALASSERY TALUK, KANNUR DISTRICT.**

**BY ADVS.SRI.P.R.SREEJITH
SRI.K.V.MANOJ KUMAR
SRI.M.PROMODH KUMAR
SMT.MAYA CHANDRAN**

RESPONDENT(S)/COMPLAINANT AND STATE :

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- 1. K.GOPALAKRISHNAN,
KOCHU VEEDU, NEDUMANKAVU P.O., KAREEPRA,
KOTTARAKKARA TALUK, KOLLAM DISTRICT.**
 - 2. STATION HOUSE OFFICER,
PANOOR POLICE STATION, THALASSERY TALUK
KANNUR DISTRICT.**
 - 3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

R2 & R3 BY (SR) PUBLIC PROSECUTOR SMT. SAREENA GEORGE.P.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

P. UBAID, J.

Crl.M.C.No.2082 of 2015

Dated this the 30th day of March, 2015

O R D E R

The petitioner herein is the accused in C.C.977/2010 of Judicial First Class Magistrate Court-II, Kottarakkara. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the trial court 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 consider his application for bail on the date of surrender. Of course, the relief as sought by the petitioner cannot be granted by this Court under Section 482 of the Code of Criminal Procedure. The learned Magistrate, who has issued warrant of arrest for proper reasons, will have to consider the request to recall the warrant. It is for the learned Magistrate to decide whether bail could be granted to the petitioner. I do not think that the learned Magistrate will mechanically remand the petitioner to judicial custody, when the offence is bailable. Of course, the petitioner will have to surrender before the learned

Magistrate 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.

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.977/2010, the same shall be judiciously considered and decided, on the date of surrender itself.

Sd/-

P. UBAID, JUDGE

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