

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

Crl.MC.No. 2092 of 2015 ()

IN ST 2593/2014 of J.M.F.C.,TALIPARAMBA

PETITIONER(S)/ACCUSED:

**RAJEEV T.M. AGED 30 YEARS
S/O.MURALEEDHARAN NAIR, THEKKADATH HOUSE
MANAKKADAVU PO, KARIMKUTTYPALLI, KANNUR 670 571.**

BY ADV. SRI.P.B.AJOY

RESPONDENT(S)/STATE/COMPLAINANT:

- 1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN.682 031.**
 - 2. M/S. KALPETTA JANAKSHEMA MARUTHI CHITS (P) LTD.
ALAKODE BRANCH, ALAKODE P.O, KANNUR 670 571.**
- R BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sab

P.UBAID, J.

Crl. M.C No. 2092 of 2015

Dated this the 31st day of March, 2015.

O R D E R

The petitioner herein is the accused in S.T Case No.2593 of 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 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 release him on 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. I do not think that the learned Magistrate will mechanically remand him to judicial custody when the offence is bailable under the law. 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. The petitioner's grievance that he had not received any summons from the court below will have to be considered by the learned Magistrate.

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 S.T Case No.2593 of 2014, the same shall be judiciously considered and decided, on the date of surrender itself.

Sd/-

P.UBAID,
JUDGE

sab