

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. 2098 of 2015 ()

AGAINST CC 538/2005 of J.M.F.C.-II, ERNAKULAM
CRIME NO. 938/2003 OF ERNAKULAM CENTRAL POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED NO.3:

VINESH AGED 33 YEARS
S/O. SANKARN, MUNDATT HOUSE, PEECHANIKKAD KARA
ANGAMALY VILLAGE, ERNAKULAM DISTRICT.

BY ADVS.SRI.PRASUN.S
SRI.PAUL MATHEW (PERUMPILLIL)

RESPONDENT(S)/COMPLAINANT/STATE :

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.

BY 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:

P.UBAID, J.
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**Crl.M.C No.2098 of 2015**  
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Dated this the 31st March, 2015

ORDER

The petitioner herein is the accused No.3 in C.C No.538 of 2005 of the Judicial First Class Magistrate's Court-II, Ernakulam. 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 decide and dispose of his application for bail, without delay. 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.

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.538 of 2005, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side. The petitioner is granted ten days time to surrender before the learned Magistrate and to make application for bail. During this period, execution of the warrant of arrest will stand suspended.

**P.UBAID
JUDGE**

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