

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

Cr1.MC.No. 2127 of 2015

AGAINST C.P 113/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, SASTHAMCOTTA

CRIME NO. 25/2014 OF SASTHAMCOTTA EXCISE RANGE OFFICE , KOLLAM

PETITIONER/ACCUSED:

SHIBU, AGED 38 YEARS,
S/O.GOPALAN, GOPALA BHAVANAM,
PADINJATTAM MURI,
KUNNATHOOR VILLAGE, KUNNATHOOR TALUK,
KOLLAM DISTRICT.

BY ADV. SRI.P.V.DILEEP

RESPONDENT/COMPLAINANT:

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

BY SR. 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:

ab

P.UBAID, J.

Crl.M.C No.2127 of 2015

Dated this the 31st day of March, 2015

O R D E R

The petitioner herein is the accused in C.P No.113/2014 of the Judicial First Class Magistrate Court, Sasthamcotta. 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 release him on bail, or 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 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 learned Magistrate and make application for bail. He will have to explain the reason for his absence in court. His grievance that he had not received summons from the court will have to be considered by the court below. 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.P No.113/2014, 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**

ab