

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

Crl.MC.No. 2142 of 2015 ()

**IN CP 42/2013 of J.M.F.C.-II, KOCHI
CRIME NO. 2184/2012 OF THOPPUMPADY POLICE STATION , ERNAKULAM**

PETITIONER(S)/PETITIONER/ACCUSED NO.1 AND 2:

- 1. JITHIN AGED 24 YEARS
S/O GEORGE @ MANUAL, KAREETHARA HOUSE, EDAKOCHI.**
- 2. JIJO AGED 26 YEARS
S/O GEORGE @ MANUAL, KAREETHARA HOUSE, EDAKOCHI.**

BY ADV. SRI.M.H.HANIS

RESPONDENT(S)/RESPONDENTS/COMPLAINANT:

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**

R BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01-04-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

P.UBAID, J.

Crl. M.C No. 2142 of 2015

Dated this the 1st day of April, 2015.

O R D E R

The petitioners herein are the two accused in C.P No.42 of 2013 of the Judicial First Class Magistrate Court-II, Kochi. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the trial court they seek orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to recall the warrant and to release them on bail on the date of surrender itself. It is for the learned Magistrate to decide whether bail could be granted to the petitioner. The petitioners will have to surrender before the court below, and make application for bail. 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 petitioners' grievance that they 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 petitioners make application for bail on surrender in C.P No.42 of 2013 of the Judicial First Class Magistrate Court-II, Kochi (Crime No.2184 of 2012 of Thoppumpady South Police Station) the same shall be judiciously considered and decided, on the date of surrender itself.

Sd/-

P.UBAID,
JUDGE

sab