

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

Cr1.MC.No. 2224 of 2015

IN C.P 21/2006 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
RAMANKARI
CRIME NO. 13/2006 OF RAMANKARY POLICE STATION, ALAPPUZHA

PETITIONER:

BIJUMON @ ANIYAN, AGED 43 YEARS,
S/O.RAMANKUTTY, BIJU BHAVANAM,
RAMANKARI PANCHAYATH,
MAMPUZHAKKARI MURI,
RAMANKARI VILLAGE,
ALAPPUZHA DISTRICT.

BY ADV. SRI.NIREESH MATHEW

RESPONDENT:

STATE OF KERALA, REP. 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 06-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 2224 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A: COPY OF THE JUDGMENT DATED 27.6.2013 IN S.C
NO.29/2007 PASSED BY THE ADDL. SESSIONS JUDGE, FAST TRACK I,
ALAPPUZHA

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.2224 of 2015

Dated this the 6th day of April, 2015

O R D E R

The petitioner herein is the accused in C.P No.21/2006 of the Judicial First Class Magistrate Court, Ramankary. 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 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. 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. The other accused stands acquitted by the trial

court as per the judgment dated 27.6.2013 in S.C No.29/2007. This fact will be considered by the court below.

In the result, this petition is disposed of with direction to the court below that in case the petitioner makes application for bail on surrender in C.P No.21/2006, 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 court below and to make application for bail. In the meantime, execution of the warrant of arrest will stand suspended.

**P.UBAID
JUDGE**

ab