

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

Crl.MC.No. 2258 of 2015

CRIME NO. 297/2012 OF KOLAVALLUR POLICE STATION , KANNUR

PETITIONER(S)/ACCUSED NO.5 :

**PAVITHRAN T., S/O.BHARATHAN, AGED 41 YEARS,
PALLERI VADAKKEYIL HOUSE,
KOLAVALLUR AMSOM AND DESOM, CHERUPARAMBA P.O,
KOLAVALLUR VILLAGE, KANNUR DISTRICT.**

**BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR**

RESPONDENT(S)/COMPLAINANT & STATE :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. THE STATION HOUSE OFFICER,
KOLAVALLUR POLICE STATION (CRIME NO.297 OF 2012),
KANNUR DISTRICT - 670 001.**

BY SR.PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNX.AI: TRUE COPY OF THE ORDER OF THIS HON'BLE COURT
DATED 29-05-2012 IN B.A NO.3051 OF 2012.**

**ANNX.AII: A TRUE COPY OF THE ORDER DATED 31-08-2012 IN
CRL.A.NO.1337 OF 2012 OF THE HON'BLE SUPREME COURT OF
INDIA.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.UBAID, J.

Crl.M.C No.2258 of 2015

Dated this the 7th day of April, 2015

O R D E R

The petitioner herein is the 5th accused in C.P No.6/2015 of the Chief Judicial Magistrate Court, Thalassery. 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 recall the warrant or to decide and dispose of his application for bail, on the date of surrender itself. 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.

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.6/2015, 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. In the meantime, execution of the warrant of arrest will stand suspended.

**P.UBAID
JUDGE**

ab