

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. 2260 of 2015

**S.T.C.NO.588/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
THALIPARAMBA, KANNUR DISTRICT**

PETITIONER(S)/ACCUSED :

**M.P.PARAVINDAKSHAN, AGED 53 YEARS,
S/O.KUNJIRAMAN NAMBIAR, MAVILEVEETIL HOUSE, PARAKKADI,
KOYYAM POST, KARIMBAM VIA, KANNUR DISTRICT.**

**BY ADVS.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH**

RESPONDENT(S)/COMPLAINANT & STATE :

**1. ANIL KUMAR K.P., AGED 42 YEARS,
S/O.V.T.MADHUSUDHANAN NAIR, SREEVIHAR,
NADUVIL POST, THALIPARAMBA TALUK,
KANNUR DISTRICT, PIN-670 582.**

**2. STATION HOUSE OFFICER,
SREEKANDAPURAM POLICE STATION, KANNUR, PIN-670 631.**

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

R2 & R3 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.

CrI.MC.No. 2260 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNX.A1: THE TRUE COPY OF THE COMPLAINT IN S.T.C.NO.588/2014
DATED 29.04.2013 BEFORE THE JFCM, THALIPARAMBA.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.UBAID, J.

Crl.M.C No. 2260 of 2015

Dated this the 7th day of April, 2015

O R D E R

The petitioner herein is the accused in S.T.C No.588/2014 of the Judicial First Class Magistrate Court, Thaliparamba. 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, 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. I do not think that the learned Magistrate will mechanically remand the petitioner to judicial custody when the offence is bailable under the law. 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 S.T.C No.588/2014, the same shall be judiciously considered and decided, on the date of surrender itself. 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