

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. 2269 of 2015 ()

**SC 635/2012 of II ADDITIONAL ASSISTANT SESSIONS COURT,THRISSUR
CRIME No. 138/2007 OF VADANAPPALLY POLICE STATION, TRISSUR DISTRICT**

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PETITIONER/5TH ACCUSED:

**SATHEESH, AGED 31 YEARS,S/O.VENU
KUTTAMPARAMBATHU HOUSE
VATANAPPILLY, THRISSUR.**

BY ADV. SRI.K.I.SAGEER

RESPONDENT/COMPLAINANT:

**STATE OF KERALA
REP. BY SUB INSPECTOR OF POLICE
VATANAPPILLY POLICE STATION, VATANAPPILLY
THRISSUR (CRIME NO.138/2007)
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM. PIN - 682 031.**

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:**

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE-A1: A TRUE COPY OF THE INVITATION CARD IN RESPECT OF
PETITIONER'S BROTHER'S MARRIAGE.**

RESPONDENT'S EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.2269 of 2015

Dated this the 7th day of April, 2015

O R D E R

The petitioner herein is the 5th accused in S.C. No.635/2012 of the II Additional Assistant Sessions Court, Thrissur. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the trial court he seeks orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to recall the warrant of arrest, and to consider his bail application for bail, and pass orders on the date of his surrender itself. Of course, the relief as sought by the petitioner cannot be granted by this Court under Section 482 of the Code of Criminal Procedure. The learned trial Judge, who has issued warrant of arrest for proper reasons, will have to consider his request. It is for the trial court to decide whether bail could be granted to the petitioner. The petitioner will have to surrender before the trial court, 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 trial judge. 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.C. No.635/2012, the same shall be judiciously considered and decided on the date of surrender itself. The petitioner is granted time for ten days to surrender before the trial court, and make application for bail. During this period, execution of the warrant of arrest will stand suspended.

Sd/-

P. UBAID, JUDGE

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