

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937**

**Crl.MC.No. 2280 of 2015 ()**

**CP 115/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, KARUNAGAPPALLY  
CRIME NO. 184/2014 OF KARUNAGAPPALLY EXCISE RANGE, KOLLAM DISTRICT**

**PETITIONER:**

**ANTONY, AGED 37 YEARS  
S/O. VARGHESE, MADATHIL  
THEKKATHIL VEEDU  
MUKUNDAPURAM P.O., PATTATHANAM  
KARUNAGAPPALLY TALUK, KOLLAM DISTRICT**

**BY ADVS.SRI.BINU GEORGE  
SMT.HEMALATHA**

**RESPONDENT/STATE:**

**STATE OF KERALA REPRESENTED BY  
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 08-04-2015, THE  
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**SD**

P. UBAID, J.

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Crl.M.C.No.2280 of 2015  
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Dated this the 8<sup>th</sup> day of April, 2015

O R D E R

The petitioner herein is the first accused in C.P No.115/2014 of the Judicial First Class Magistrate Court, Karunagappally. 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 appropriate conditions on surrender. 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 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.115/2014, the same shall be judiciously considered and decided, on the date of surrender itself. The petitioner is given time for ten days to surrender before the court below, 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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