

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. 2326 of 2015 ()

**SC.NO. 783/2008 OF ASST.SESIONS COURT, ATTINGAL
CRIME NO. 958/2005 OF VARKALA POLICE STATION , THIRUVANANTHAPURAM**

PETITIONER/2ND ACCUSED:

**RAJESH, S/O.RAJENDRA PRASAD,
THUSHARA VEEDU, RAGHUNATHAPURAM,
CHERUKUNNU DESAM, VARKALA VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S)/COMPLAINANT AND STATE:

- 1. THE CIRCLE INSPECTOR OF POLICE,
VARKALA POLICE STATION, THIRUVANANTHAPURAM DISTRICT.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

R1 & R2 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:**

sts

Crl.MC.No. 2326 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1: COPY OF THE CHARGE SHEET IN CRIME NO.958 OF 2005 OF VARKALA
POLICE STATION.**

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

P.UBAID, J.

Crl.M.C No.2326 of 2015

Dated this the 8th day of April, 2015

O R D E R

The petitioner herein is the 2nd accused in S.C No.783/2008 of the Assistant Sessions Court, Attingal. 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. The learned trial judge, who has issued warrant of arrest for proper reasons, will have to consider the request for bail. It is for the learned trial judge to decide whether bail could be granted to the petitioner. The petitioner will have to surrender before the learned trial judge 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.783/2008, 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 trial judge. In the meantime, execution of the warrant of arrest will stand suspended.

**P.UBAID
JUDGE**

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