

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

Cr1.MC.No. 2331 of 2015  
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IN L.P NO. 10/2009 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-  
I, PERINTHALMANNA

CRIME NO. 1000/2007 OF PERINTHALMANNA POLICE STATION , MALAPPURAM

PETITIONER/2ND ACCUSED:  
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AZAD, AGED 30 YEARS,  
S/O.ALAVI, PULIKKADA HOUSE,  
THAZHAKKOD P.O,  
PERINTHALMANNA TALUK,  
MALAPPURAM DISTRICT

BY ADVS.SRI.SAJAN VARGHEESE K.  
SRI.LIJU. M.P

RESPONDENT/STATE & COMPLAINANT:  
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STATE OF KERALA  
REPRESENTED BY THE SUB INSPECTOR OF POLICE,  
PERINTHALMANNA POLICE STATION,  
MALAPPURAM DISTRICT,  
PUBLIC PROSECUTOR  
HIGH COURT OF KERALA.- 682 031

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:

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**P.UBAID, J.**

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**Crl.M.C No.2331 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 2<sup>nd</sup> accused in L.P No.10/2009 of the Judicial First Class Magistrate Court I, Perinthalmanna. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the court below he seek orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to decide and dispose of his application for bail, without delay. 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 closed with direction to the court below that in case the petitioner makes application for bail on surrender in L.P No.10/2009, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side.

**Sd/-  
P.UBAID  
JUDGE**

ab