

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

Crl.MC.No. 2369 of 2015 ()

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CC 198/2013 of CHIEF JUDICIAL MAGISTRATE COURT,KOTTAYAM
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PETITIONERS/ACCUSED 1&2:

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- 1. MARIYAMMA MATHEW, AGED 77 YEARS
W/O.A.S.MATHEW, APPAKOTTUMURIYIL HOUSE
THURUTHIKADU P.O., KALLOOPARA
PATHANAMTHITTA DISTRICT.**
 - 2. PREETHI MATHEW
D/O.A.S.MATHEW, APPAKOTTUMURIYIL HOUSE
THURUTHIKADU P.O., KALLOOPARA
PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.BABY THOMAS

RESPONDENTS/COMPLAINANT/ACCUSED-3:

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- 1. ANOJ S., AGED 40 YEARS
S/O.PRABHAKARAN NAIR
KARITHIKA BHAVAN, MARIYATHURUTH
AIMANAM, KOTTAYAM DISTRICT-686001.**
 - 2. A.S.MATHEW, AGED 80 YEARS
APPAKOTTUMURIYIL HOUSE
THURUTHIKADU P.O. KALLOOPARA
PATHANAMTHITTA DISTRICT-689645.**
 - 3. STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA-682031.**

R2 BY Sr.PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10-04-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE-A1: CERTIFIED COPY OF THE C.C.NO.198/2013 DATED 13.06.2013 ON THE
FILE OF THE CJM COURT KOTTAYAM.**

**ANNEXURE-A2: CERTIFIED COPY OF THE COMPLAINT ie; ST NO.99/2012 ON THE FILE
OF JFCM COURT, KOTTAYAM.**

**ANNEXURE-A3: TRUE COPY OF THE SWORN STATEMENT SUBMITTED IN
C.C.NO.198/13.**

**ANNEXURE-A4: TRUE COPY OF THE ORDER OF ACQUITTAL DATED 18.05.2015 IN
ST.NO.99/12.**

**ANNEXURE-A5: TRUE COPY OF THE HOSPITAL CERTIFICATE DATED 03.05.2014
STATING THE PHYSICAL SITUATION OF THE 1ST PETITIONER.**

RESPONDENTS' EXHIBITS

NIL

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

SD

P. UBAID, J.

Crl.M.C.No.2369 of 2015

Dated this the 10th day of April, 2015

O R D E R

The petitioners herein are the accused Nos.1 and 2 in C.C.No.198/2013 of the Chief Judicial Magistrate Court, Kottayam. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued by the learned Magistrate, they seek orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to enlarge the petitioners on bail on the date of their surrender itself. Of course, the relief as sought by the petitioners 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 to recall the warrant. It is for the trial court to decide whether bail could be granted to the petitioners. The petitioners will have to surrender before the trial court and make application for bail. They will have to explain the reason for their 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 petitioners make application for bail on surrender in C.C.No.198/2013 of the Chief Judicial Magistrate Court, Kottayam, the same shall be judiciously considered and decided, on the date of surrender itself.

Sd/-

P. UBAID, JUDGE

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