

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. 2448 of 2015 ()

**IN SC 694/2010 of ADDL. D.C. & SESSIONS COURT - III, MAVELIKKARA
CRIME NO. 107/2009 OF NOORANADU POLICE STATION, ALAPPUZHA**

PETITIONER(S):

**BIJU AGED 30 YEARS
S/O NARAYANAN, BIJU BHAVANAM
PULIMEL MURI, NOORNADU VILLAGE
ALAPPUZHA**

**BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL**

RESPONDENT(S):

**STATE OF KERALA REP. BY
THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
AT ERNAKULAM**

R BY 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:**

sab

P.UBAID, J.

Crl. M.C No. 2448 of 2015

Dated this the 10th day of April, 2015.

O R D E R

The petitioner herein is the first accused in S.C No.694 of 2010 of the Additional Sessions Court-III, Mavelikkara. 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 recall the warrant, and to consider his request for bail on the date of surrender itself . The learned trial judge, 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 petitioner. The petitioner will have to surrender before the trial court and make application for bail. 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 closed, with direction to the court below that in case the petitioner makes application for bail on surrender in S.C No.694 of 2010, the same shall be judiciously considered and decided, on the date of surrender itself.

P.UBAID,
JUDGE

sab