

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 21ST DAY OF APRIL 2015/1ST VAISAKHA, 1937

Cr1.MC.No. 2491 of 2015 ()

LP 52/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, THRISSUR
CRIME NO. 446/2010 OF TOWN EAST POLICE STATION, TRISSUR

PETITIONER/2ND ACCUSED:

SANEESH, S/O.SURENDRAN,
MADATHILPARAMBIL HOUSE, PERAMANGALAM
THRISSUR.

BY ADV. SRI.P.K.SAJEEV

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.

R BY PUBLIC PROSECUTOR SRI. SHYSON P. MANGUZHA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
21-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

K. HARILAL, J.

Crl.M.C. No. 2491 of 2015

Dated this the 21st day of April, 2015.

ORDER

The petitioner is the second accused in Crime No.446 of 2010 of Thrissur Town East Police Station registered for the offence punishable under Sections 448, 323, 506(1) r/w 34 of the Indian Penal Code, which is now pending as L.P.No.52 of 2012 on the files of the Judicial First Class Magistrate Court-I, Thrissur.

2. In this petition, it is stated that the petitioner was enlarged on bail during the crime stage and subsequently after the appearance before the court below, he was enlarged on bail. Thereafter, the petitioner got an employment abroad and therefore he could not appear before the court below when summons was issued to him. Consequently, his bail bond was cancelled and a non bailable warranted was issued against him. Now the case against the first accused stands posted to 2.5.2015.

3. Though he is willing to appear before the court below, he reasonably apprehends that his bail application will not be considered by the court below on the date of his appearance itself and he may be remanded to Judicial Custody, pending consideration of the bail application.

4. Heard the learned counsel for the petitioner.

5. The learned counsel for the petitioner urged for a direction to the learned magistrate to consider the application on the date of his appearance itself.

I do not think that the Learned Magistrate will adopt such a method mechanically without application of mind to see that the petitioner is incarcerated. However, to secure the interest of Justice, the learned Magistrate is directed to dispose of the bail application on the date of appearance itself.

Sd/-
K. HARILAL
JUDGE

Scl.

True Copy

PA to Judge.