

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. 2496 of 2015 ()

CP 33/2007 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KODUNGALLUR
CRIME NO. 14/2004 OF KODUNGALLUR EXCISE RANGE OFFICE, THRISSUR

PETITIONER/1ST ACCUSED:

PRADEEP KUMAR, AGED 56 YEARS
KOLANTHARA HOUSE, CHENTHRAPPINNI, KODUNAGALLOOR TALUK
THRISSUR DISTRICT

BY ADV. SRI.O.D.SIVADAS

RESPONDENT/COMPLAINANT AND STATE:

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1. THE EXCISE INSPECTOR
EXCISE RANGE OFFICE, KODUGALLOOR, THRISSUR DISTRICT
 2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

R BY PUBLIC PROSECUTOR SRI. EGY N. ELIAS.

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

Cr1.MC.No. 2496 of 2015 ()

APPENDIX

PETITIONER(S) ' EXHIBITS

ANNEXURE A1. COPY OF THE LEASE AGREEMENT EXECUTED BETWEEN THE
PETITIONER AND ONE SRI JOSHI

RESPONDENT'S EXHIBITS: NIL

TRUE COPY

PA TO JUDGE

Scl.

K. HARILAL, J.

Crl.M.C. No.2496 of 2015

Dated this the 21st day of April, 2015.

ORDER

The petitioner is the accused in Crime No.14 of 2004 registered by the Excise Range Office, Kodungalloor under Sections 59(a) and 58 (g) of the Abkari Act. It is submitted that the court below has already granted bail to the petitioner. But, unfortunately thereafter, the petitioner went abroad seeking employment and now he is employed outside the State of Kerala. On account of the above reason, he was unable to attend the court, when the matter was taken up for consideration. In the absence of the petitioner, the case was split up and renumbered as C.P.No.33 of 2007 on the files of the Judicial First Class Magistrate Court, Kodungalloor, which was latter forwarded to the First Additional Sessions Court, Thrissur and later, the same was registered as S.C.No.204 of 2008 which is pending before the First Additional Sessions Court.

2. The learned counsel for the petitioner submits that now he is ready to surrender before the court below and to seek regular bail. Apprehension of the petitioner is that as per the practice followed by the learned Magistrate, if he surrenders before the court below, he will be remanded to the Judicial Custody, pending consideration of the bail application. The learned counsel for the petitioner urged for a direction to the court below for considering the bail application on the date of appearance.

3. Heard the learned Public Prosecutor also.

I do not think that the Learned Magistrate will remand the accused mechanically without application of mind. However, to secure the interest of justice, the court below is directed to consider the application for bail on the date of appearance itself.

**Sd/-
K. HARILAL
JUDGE**

Crl.M.C. No.2496 of 2015

-3-

Scl.