

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

Crl.MC.No. 2497 of 2015 ()

CRIME NO. 10/2014 OF AGATHI POLICE STATION, LAKSHADWEEP

PETITIONER :

**ABOOBACKER. P., S/O.MUHAMMED KOYA,
PONTHINODA HOUSE, AGATHI ISLANDS,
U.T. LAKSHADWEEP.**

**BY ADVS.SRI.R.ROHITH
SRI.SAYED MURTHALA THANGAL**

RESPONDENT :

**UNION TERRITORY OF LAKSHADWEEP,
REPRESENTED BY PUBLIC PROSECUTOR.**

BY ADV. SRI.S.RADHAKRISHNAN,SC,

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

P. UBAID, J.

Crl.M.C.No.2497 of 2015

Dated this the 5th day of May, 2015

O R D E R

The petitioner herein is the 2nd accused in Crime No.10/2014 of the Agathi Police Station, Lakshadweep. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued by the learned Magistrate he seeks orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to consider his bail application and to release him on bail. Of course, the relief as sought by the petitioner 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 release him on 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 trial court 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 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 disposed of with direction to the court below that in case the petitioner makes application for bail on surrender in Crime No.10/2014 of the Agathi Police Station, Lakshadweep, the same shall be judiciously considered and decided, on the date of surrender itself.

Sd/-

P. UBAID, JUDGE

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