

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.2649 of 2015

**CC NO.646/2008 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
CHALAKUDY.
CRIME NO.4913/2014 OF CHALAKKUDY POLICE STATION,TRISSUR.**

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PETITIONER/ACCUSED NO.1:

**VISHNUMOHAN,AGED 32 YEARS,S/O.VIJAYAKUMAR,
MADATHIL HOUSE,IRRIGATION QUARTERS ROAD,
EAST CALAKKUDY VILLAGE,THRISSUR DISTRICT.**

BY ADV.SRI.NIREESH MATHEW

RESPONDENT/COMPLAINANT:

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

BY SENIOR PUBLIC PROSECUTOR SRI.P.K.ABDUL RAHMAN.

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

pk

Crl.MC.No.2649 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE-A:PHOTOCOPY OF THE JUDGMENT DATED 23.8.2008 IN C.C.
NO.646/2008 PASSED BY THE JUDL. FIRST CLASS MAGISTRATE
COURT,CHALAKKUDY.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P.UBAID, J.

Crl. M.C No. 2649 of 2015

Dated this the 5th day of May, 2015.

O R D E R

The petitioner herein is the accused in C.C No.4913 of 2014 of the Judicial First Class Magistrate Court, Chalakudy. 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 consider his request for bail on the date of surrender itself. It is for the learned Magistrate to decide whether bail could be granted to the petitioner. The petitioner will have to surrender before the court below, and make application for bail. 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. I do not think that the learned Magistrate will mechanically remand him to custody when the offences are bailable. The learned Magistrate will also consider the fact that the other accused

stands acquitted.

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 C.C No.4913 of 2014, the same shall be judiciously considered and decided, on the date of surrender itself. The petitioner is given time for ten days to surrender before the trial court, and make application for bail. During this period, execution of the warrant of arrest will stand suspended.

Sd/-

P.UBAID,
JUDGE

sab