

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 15TH DAY OF MAY 2015/25TH VAISAKHA, 1937

Crl.MC.No. 2667 of 2015 ()

**C.P. NO. 27/2014 OF THE FILES OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
KALADY, ERNAKULAM DISTRICT**

PETITIONER/7TH ACCUSED :

**BINIL, AGED 23 YEARS,
S/O.MENACHERY ANTHONY, MENACHERY HOUSE, NAYATHODU (PO),
KAVARAMPARAMBU, ANGAMALY, ERNAKULAM DISTRICT 683572**

BY ADV. SRI.M.H.HANIL KUMAR

RESPONDENTS/COMPLAINANT/STATE :

- 1. SUB INSPECTOR OF POLICE, KALADY POLICE STATION,
KALADY P.O., ERNAKULAM DISTRICT 683574**
- 2. THE CIRCLE INSPECTOR OF POLICE,
KALADY, KALADY PO, ERNAKULAM DISTRICT 683574**
- 3. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, AT ERNAKULAM, COCHIN 682031**

R1 TO R3 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 15-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1: A TRUE COPY OF THE RELEVANT PAGES OF THE FIRST
INFORMATION REPORT IN CRIME NO.31/2013 ON THE FILES OF
THE KALADY POLICE STATION DATED 07.01.2013.**

**ANNEXURE A2: A TRUE COPY OF THE RELEVANT PAGES OF CHARGE SHEET
FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE
COURT PERUMBAVOOR DATED 07.10.2013.**

**ANNEXURE A3: A TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT
OF THE PETITIONER**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

P. UBAID, J.

Crl.M.C.No.2667 of 2014

Dated this the 15th day of May, 2015

O R D E R

The petitioner herein is the 7th accused in C.P.No.45/2014 of the Judicial First Class Magistrate Court, Kalady (C.P.No.27/2014 of the Judicial First Class Magistrate Court, Perumbavoor). On the apprehension of arrest in execution of a warrant of arrest issued from the court, he seeks a direction to the court below to consider his application for bail on the date of surrender itself. The learned Magistrate has reported that the case stands already committed to the Court of Session, and that the records will be immediately transmitted to the Court of Session. In such a circumstance, direction will have to be given to the Court of Session, or the Additional Court, where the case comes up for trial. In the present circumstances, the request for bail will have to be considered by the trial court. The petitioner's grievance that he had not received summons will have to be considered by the learned trial Judge, or the learned Sessions Judge, if application for bail is moved. However, a direction can be made to consider

and dispose of the application without any delay.

In the result, this Crl.M.C. is disposed of with direction to the Court of Session, Ernakulam that in case application for bail is filed by the petitioner herein on surrender in Crime No.31/2013 of the Kalady Police Station, the same shall be considered judiciously by the learned Sessions Judge or the Additional Sessions Judge to whom the case is made for trial and appropriate decision regarding bail shall be taken. The petitioner's grievance will also be considered by the court below.

Sd/-

P. UBAID, JUDGE

sd