

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. 2728 of 2015 ()

ST.NO. 7692/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, TALIPARAMBA

PETITIONER/ACCUSED:

**T.SEETHA, W/O.SADHANANDAN,
THAIKKANDI HOUSE, ARIYIL P.O.,
PATTUVAM, THALIPARAMBU-670 143**

BY ADV. SRI.V.R.REKESH

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.K.K.SAIDALAVI

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

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P. UBAID, J.

Crl.M.C.No.2728 of 2015

Dated this the 5th day of May, 2015

O R D E R

The petitioner herein is the accused in S.T.C.No.7692/2014 of the Judicial First Class Magistrate Court, Taliparamba. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued by the learned Magistrate, she seeks orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to recall the warrant. 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 recall the warrant. 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. I do not think that the learned Magistrate will mechanically remand her to judicial custody, when the offence is bailable under the law. She will have to explain the reason for her absence in court. Anyway, 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.

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 S.T.C.No.7692/2014, the same shall be judiciously considered and decided, on the date of surrender itself.

Sd/-

P. UBAID, JUDGE

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