

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. 2759 of 2015 ()

LP.NO. 171/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, PONNANI

PETITIONER/ACCUSED:

**ANEESH BABU @ BABU, AGED 30 YEARS,
S/O.MUHAMMADKUTTY, ANGADIPARAMBIL,
KALADY.**

**BY ADV. SRI.K.B.ARUNKUMAR
SRI.RANJIT BABU**

RESPONDENT :

**STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
PONNANI POLICE STATION, MALAPPURAM DISTRICT,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

P.UBAID, J.
~~~~~  
**Crl.M.C No.2759 of 2015**  
~~~~~  
Dated this the 15th day of May, 2015

ORDER

The petitioner herein is the accused in L.P No.171 of 2012 of Judicial First Class Magistrate Court, Ponnani. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the trial court he seeks orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to recall the warrant or to decide and dispose of his application for bail, without delay. 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 trial judge, who has issued warrant of arrest for proper reasons, will have to consider the request to recall the warrant. It is for the trial court 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 L.P No.171 of 2012, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side. The petitioner is granted ten days time to surrender before the court below and make application for bail. During this period enforcement of the warrant of arrest will stand suspended.

Sd/-
P.UBAID
JUDGE

vdv