

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. 2821 of 2015

**L.P.NO.7/2004 OF ADDITIONAL MUNSIFF & JUDICIAL FIRST CLASS MAGISTRATE
COURT, THRISSUR DISTRICT**

PETITIONER(S) :

**K.J.LIJO, AGED 35 YEARS,
S/O.JOY, KALLIKADAN, HOUSE,
KARUVANNUR P.O., MUKUNTHAPURAM TALUK,
THRISSUR DISTRICT.**

BY ADV. SRI.P.P.BIJU

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SAJAYAKUMAR,
S/O.SARATHAMA, KARIMAKATTIL HOUSE, POOMANGALAM VILLAGE,
EDAKKULAM DESOM, MUKUNTHAPURAM TALUK,
THRISSUR DISTRICT, PIN- 680 001.**

R1 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:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE 1: CERTIFIED COPY OF THE COMPLAINT IN L.P.NO.7/2004 OF
ADDL. MUNSIFF & JUDICIAL FIRST CLASS MAGISTRATE
COURT, IRINJALAKUDA, THRISSUR DISTRICT.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.UBAID, J.

Crl.M.C No.2821 of 2015

Dated this the 15th day of May, 2015

O R D E R

The petitioner herein is the accused in L.P No.7/2004 of the Judicial First Class Magistrate Court, Irinjalakuda. 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 and dispose of his application for bail, on the date of surrender itself. The learned Magistrate, who has issued warrant of arrest for proper reasons, will have to consider the request for 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 learned Magistrate 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 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 the petitioner to judicial custody when the offence is bailable. However appropriate conditions can be thought of.

In the result, this petition is closed with direction to the court below that in case the petitioner makes application for bail on surrender in L.P No.7/2004, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side.

**P.UBAID
JUDGE**

ab