

**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.2838 of 2015**  
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**SC NO.688/2013 OF THE ADDITIONAL SESSIONS COURT - V, KOLLAM.**

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**PETITIONER/ACCUSED:**  
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**SHAMMAS,AGED 29 YEARS,S/O.FATHIMA BEEVI,  
KACHIYAZHIKOM,THEKKUM BHAGAM,  
KOTTAPPURAM VILLAGE,KOLLAM.**

**BY ADVS.SRI.C.R.VIJAYAKUMARAN PILLAI  
SRI.A.CHANDRA BABU  
SRI.R.SANTHOSH (VARKALA)  
SMT.S.V.HARITHA**

**RESPONDENT/COMPLAINANT:**  
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**STATE OF KERALA,  
REPRESENTED BY THE SUB INSPECTOR OF POLICE,  
PARAVOOR POLICE STATION,THROUGH  
THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA,  
ERNAKULAM.**

**BY PUBLIC PROSECUTOR SRI.C.K.JAYAKUMAR.**

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

**pk**

**P.UBAID, J.**

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**Crl.M.C No.2838 of 2015**  
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Dated this the 15<sup>th</sup> day of May, 2015

**O R D E R**

The petitioner herein is the accused in S.C No.688/2013 of the Additional Sessions Court V, Kollam. 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 trial judge, who has issued warrant of arrest for proper reasons, will have to consider the request for bail. It is for the learned trial judge to decide whether bail could be granted to the petitioner. The explanation of the petitioner for his absence will be judiciously considered by the learned trial judge. The petitioner will have to surrender before the learned trial judge 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 S.C No.688/2013, 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 learned Magistrate. In the meantime, execution of the warrant of arrest will stand suspended.

**P.UBAID  
JUDGE**

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