

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. 2848 of 2015 ()

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(C.C.NO.1079/2006 IN M.P.NO.6606/2006 & LP. NO. 192/2008 OF JUDICIAL FIRST
CLASS MAGISTRATE COURT,CHAVAKKAD)
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PETITIONER/ACCUSED:

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ABDUL KABEER,
S/O.ARACKAL ABUBUCKER MUSLIAR,AGED 47 YEARS,
RESIDING AT ARACKAL HOUSE, KARUKAMAD,
KADAPPURAM P.O., CHAVAKKAD TALUK,
THRISSUR DISTRICT, PIN:680 514.**

BY ADV. SRI.PRAVEEN K. JOY

RESPONDENTS/COMPLAINANT:

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- 1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN:682 031.**
 - 2. THE MANAGING DIRECTOR,
THE FINANCIAL CREDITS AND CHITS COMPANY (PVT.) LTD.,
GANDHI NAGAR, WEST NADA, GURUVAYOOR P.O.,
CHAVAKKAD TALUK, THRISSUR DISTRICT, PIN:680 101.**

R1 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:**

sts

Crl.MC.No. 2848 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1: TRUE COPY OF THE PRIVATE COMPLAINT LODGED AGAINST THE
PETITIONER/ACCUSED UNDER CC.1079/2006 IN M.P.NO.6606/2006 &
L.P.NO.192/2008 OF JFCM CHAVAKKAD.**

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

P.UBAID, J.

Crl. M.C No.2848 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.192 of 2008 of the Judicial First Class Magistrate Court, Chavakkad. 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 consider his request for bail on the date of surrender itself. It is for the learned Magistrate to decide whether bail could be granted to the petitioner. The petitioner will have to surrender before the court below and make application for bail. 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 him to judicial custody when the offence is bailable under the law. The petitioner's grievance

that he had not received any summons from the court below will have to be considered by the learned Magistrate.

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.192 of 2008, the same shall be judiciously considered and decided, on the date of surrender itself. The petitioner is given time for ten days to surrender before the trial court and make application for bail. During this period, execution of the warrant of arrest will stand suspended.

Sd/-

P.UBAID,
JUDGE

sab