

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. 2855 of 2015 ()

SC 314/2011 of ADDITIONAL DISTRICT COURT (ADHOC), MANJERI

PETITIONER/1ST ACCUSED :

**BASHEER, AGED 40 YEARS,
S/O.AHMED HAJI, CHALUPARAMBIL HOUSE,
NANNUMUKKU SOUTH, ALANKODE VILLAGE, MALAPPURAM.**

BY ADV. SRI.P.K.ANIL

RESPONDENTS/COMPLAINANT/STATE :

- 1. SUB INSPECTOR OF POLICE,
CHAKKRANKULAM POLICE STATION,
MALAPPURAM-676505.**
- 2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

R1 & R2 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 15-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

P.UBAID, J.
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**Crl.M.C No.2855 of 2015**  
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Dated this the 15th day of May, 2015

ORDER

The petitioner herein is the accused in S.C No.314 of 2011 of the Additional Sessions Court(Fast Track(1)), Manjeri. 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 release him on bail 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. Petitioner's grievance that he had not received summons in the proceeding will be considered by the court below.

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.314 of 2011, 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