

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. 2857 of 2015 ()

AGAINST SC 501/2009 of ADDITIONAL SESSIONS COURT (ADHOC-I), MANJERI
CRIME NO. 1030/2007 OF TIRUR POLICE STATION , MALAPPURAM

PETITIONER(S)/4TH ACCUSED:

PALLATH NAZAR AGED 38 YEARS
S/O.HAMEED, PALLATH HOUSE, VETOM
TIRUR, MALAPPURAM DISTRICT.

BY ADV. SRI.K.P.SUDHEER

RESPONDENT(S)/STATE:

THE STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING CIRCLE INSPECTOR OF POLICE
TIRUR POLICE STATION, TIRUR, MALAPPURAM DISTRICT.

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:

Crl.MC.No. 2857 of 2015

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE-A1: TRUE COPY OF THE PETITION FILED BY THE ADDITIONAL PUBLIC PROSECUTOR IN S.C. NO.324 OF 2010 BEFORE THE ADDITIONAL SESSIONS COURT NO.1 (FAST TRACK NO.1), MANJERI

ANNEXURE A2: TRUE COPY OF THE COMMUNICATION OF THE PRINCIPAL SECRETARY TO GOVERNMENT TO DISTRICT COLLECTOR, MALAPPURAM DATED 17.11.2012

ANNEXURE A3: TRUE COPY OF THE ORDER IN CMP NO.1797 OF 2012 IN S.C. NO.324 OF 2010 OF THE ADDITIONAL SESSIONS JUDGE (ADHOC)-I, MANJERI DATED 9/1/2013.

RESPONDENTS EXHIBITS:

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No. 2857 of 2015**  
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Dated this the 15th May, 2015

ORDER

The petitioner herein is the 1st accused in S.C No.501 of 2009 of the Additional Sessions Court (Adhoc-I), Manjeri. 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 recall the warrant, and to release him on bail. The learned Magistrate, who has issued warrant of arrest for proper reasons, will have to consider the request. It is for the court below 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. The petitioner's case is that he bona fide believed that the court has already permitted the State to withdraw from prosecution, and that the whole proceeding has come to an end. But the said application for permission is still pending in court. The petitioner's grievance, or his reason for absence throughout will definitely be judiciously considered by the court below in taking decision in the matter of bail.

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 S.C No.501 of 2009, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side. The petitioner is given ten days' time to surrender before the court below. During this period, execution of the warrant of arrest will stand suspended.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge