

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

CrI.MC.No. 2869 of 2015 ()

**S.C.NO.280/2014 of ASSISTANT SESSIONS COURT, PAYYANNUR
KANNUR DISTRICT**

CRIME NO.1/2011 OF PAYANGADI POLICE STATION

PETITIONER/ACCUSED :

**M.K.ISMAYIL, AGED 29 YEARS,
S/O.V.M.ABDUL BASHEER,
RESIDING AT 'MUTTON KUNHI PURAYIL HOUSE,'
NEAR THAQWA MASJID, MATTOOL NORTH P.O., KANNUR-670 325.**

**BY ADVS.SRI.A.K.ABDUL AZEEZ
SRI.T.K.SASINDRAN**

STATE/COMPLAINANT/RESPONDENTS :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 030.**
- 2. STATION HOUSE OFFICER,
PAYANGADI POLICE STATION, KANNUR DISTRICT-670 358.**

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:**

bp

Crl.MC.No. 2869 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1: TRUE COPY OF THE ORDER IN BAIL APP. NO.2924/2011
DATED 29.4.2011.**

**ANNEXURE A2: TRUE COPY OF THE ORDER IN CR.M.A.NO.6909/2011 DATED
17.11.2011 IN BAIL APPL. 2924/2011.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.UBAID, J.

Crl. M.C No.2869 of 2015

Dated this the 15th day of May, 2015.

O R D E R

The petitioner herein is the accused in S.C No.280 of 2014 of the Assistant Sessions Court, Payyannur. 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 recall the warrant. 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 petitioner will have to surrender before the court below and make application for bail. 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 grievance that he had not received any summons from the court below will have to be considered by the court below. He also will have to explain

the reason for his absence in court.

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.280 of 2014, 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