

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

Crl.MC.No. 2894 of 2015 ()

LP.NO. 38/2010 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I, ERNAKULAM

PETITIONER/ACCUSED :

**P.K.SURESH KUMAR, AGED 38 YEARS,
S/O.P.V.KUNJU, PUTHANPURAYIL HOUSE, NJAYAPPILLI P.O.,
KUTTAMPUZHA, KOTHAMANGALAM,
ERNAKULAM DISTRICT. PIN-686 681.**

BY ADV. SRI.P.B.AJOY

RESPONDENT/STATE/COMPLAINANT :

**THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM -682 031.**

BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

ALEXANDER THOMAS,J.

Crl.M.C.No.2894 of 2015

Dated this the 21st day of May, 2015

ORDER

The prayer in the above captioned Crl.M.C. filed under Section 482 of the Code of Criminal Procedure is as follows:

".....to direct the Judicial First Class Magistrate Court-I, Ernakulam to recall the non bailable warrant and other coercive issued against the petitioner and enlarge the petitioner on bail in LP No.38/2010 on the very day of his appearance in court"

2. The petitioner is the sole accused in LP 38/2010 on the files of the Judicial First Class Magistrate Court-I, Ernakulam. On apprehension of arrest and remand of judicial custody in execution of arrest warrant issued by the court below, he seeks orders from this Court under Section 482 of the Code of Criminal Procedure to direct the court below to recall the warrant and to release him on bail or to decide or dispose of his application for bail on the same day of surrender before the court below. It is for the court below, which has issued the warrant of arrest, to consider

the request to recall the warrant and it is for the court below to decide whether the bail could be granted to the petitioner. It is for the petitioner to surrender before the court below without any further delay and make necessary application for recalling of the warrant and application for grant of bail. The petitioner will have to state the reasons for his absence in court and explain the circumstances under which warrant happened to be issued and it is for the court below to consider such explanation and consider all other relevant aspects of the matter in the application of the petitioner that may be filed seeking bail. Accordingly, it is ordered in the interest of justice that in the event of the petitioner surrendering before the court below without any further delay, the court below will consider the application for recall of warrant and application for grant of bail on the same day in accordance with law and after taking into consideration relevant aspects of the matter. The orders on such application shall be passed on the same day of surrender in accordance with law. It is further ordered

that the petitioner shall voluntarily surrender before the court below without any further delay. In the interest of justice, it is further ordered that until orders are passed by the court below as stated above, all further coercive proceedings pending against the petitioner in pursuance of the impugned warrant be kept in abeyance. In case if he does not so surrender within a period of ten days from the date of receipt of certified copy of this order, the directions issued in this case will stand automatically vacated.

With these observations and directions the Crl.M.C. stands finally disposed of .

**Sd/-ALEXANDER THOMAS
JUDGE**