

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

Crl.MC.No. 2974 of 2015 ()

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CC.NO. 272/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I,NEDUMANGAD
CRIME NO. 714/2012 OF VENJARAMOODU POLICE STATION ,
THIRUVANANTHAPURAM DISTRICT
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PETITIONER(S)/ACCUSED 1 & 2:

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- 1. MUHAMMED SHAN, AGED 27 YEARS,
S/O.ABDUL MAJEED, PUTHUVALVILAPUTHEN VEEDU, MUKKADA,
KATTU PUTHUSSERY DESAM, NAVAIKULAM VILLAGE,
VARKKALA TALUK, THIRUVANANTHAPURAM DISTRICT,
PIN- 695 603 (ACCUSED NO.1)**
 - 2. NIZZAM,AGED 37 YEARS, S/O.ABDUL RASHEED,
PUTHUVALVILAPUTHEN VEEDU, MUKKADA,
KATTU PUTHUSSERY DESAM, NAVAIKULAM VILLAGE,
VARKKALA TALUK, THIRUVANANTHAPURAM DISTRICT,
PIN -695 603 (ACCUSED NO.2)**

BY ADV. SRI.R.B.RAJESH

RESPONDENT/STATE/COMPLAINANT :

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STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI -31**

BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 25-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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ALEXANDER THOMAS, J.

Crl.M.C.No.2974 Of 2015

Dated this the 25th day of May, 2015.

ORDER

The above captioned Crl.M.C has been filed under Sec. 482 of the Code of Criminal Procedure with the following prayers:

“.....to issue a direction, directing the learned Judicial First Class Magistrate Court-I, Nedumangad to consider the bail application of the petitioners on the date of their surrender itself and withdraw the Non Bailable Warrant against the petitioners in C.C.No:272/2013, pending before the JFMC-I, Nedumangad, in the interest of justice.”

2. Heard Sri.R.B.Rajesh, learned counsel for the petitioners and the learned Public Prosecutor appearing for the respondent-State of Kerala.

3. Having regard to the totality of the facts and circumstances of this case, it is ordered in the interest of justice that in case the petitioners voluntarily surrender before the Judicial First Class Magistrate Court-I, Nedumangad (dealing C.C.No.272/2013) within two weeks from today and submit necessary applications for recall of the warrant and applications for grant of bail, then the court below concerned shall consider those applications on the same day itself, in

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accordance with law and taking into consideration the facts and circumstances of this case. It is further ordered that the petitioners shall give advance notice to the Prosecutor concerned attached to the court below concerned intimating the date and time of surrender before the court below, at least 24 hours prior to such proposed surrender. It is further ordered in the interest of justice that until orders are passed by the court below concerned as directed above, further coercive steps against the petitioners may be kept in abeyance for the time being. It is made clear that in case the petitioners do not surrender before the court below concerned within the aforementioned period of two weeks from today as directed above, then the directions issued herein above shall automatically stand vacated. It is made clear that it is entirely within the province of the court below concerned to decide on the applications for bail in accordance with law.

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

ALEXANDER THOMAS,
Judge.

bkn/-