

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

Cri.MC.No. 3012 of 2015 ()

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CRIME NO. 52/2007 OF EZHUKONE POLICE STATION , KOLLAM DT.
LP NO.16/2015 IN SC 1352/2014 PENDING BEFORE ADDITIONAL DISTRICT &
SESSIONS COURT-V, KOLLAM (RE-FILED FROM SC 1616/2010)**

PETITIONER(S)/ACCUSED - A10:

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ANIL KUMAR AGED 38 YEARS
S/O.SUNDARESAN, SURESH BHAVAN
PAVITHRESWARAM (P.O)PAVITHRESWARAM VILLAGE
KOTTARAKKARA TALUK, KOLLAM DISTRICT.**

BY ADV. SRI.K.VANIL KUMAR

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3012 of 2015

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Dated this the 26th day of May, 2015

O R D E R

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

- “i) issue a direction to recall the non-bailable warrant against the petitioner/accused in L.P.No.16/2015 in S.C.No.1352/2014 on the file of the Additional District & Sessions Court-V, Kollam.
- ii) issue a direction to the Additional District and Sessions Court-V, Kollam to consider the petitioner's bail application in L.P.No.16/2015 in S.C.1352/2014 on the date of surrender itself and;
- iii) issue such other order or direction, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. Heard Sri.K.V.Anil Kumar, learned counsel for the petitioner 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 petitioner voluntarily surrenders before the Sessions Court concerned dealing with the aforementioned case, without any further delay and submits necessary application for recall of the warrant and application for grant of bail, then the court below

concerned shall consider those applications on the same day itself, in accordance with law and taking into consideration the facts and circumstances of this case. It is further ordered that the petitioner 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 petitioner may be kept in abeyance for the time being. It is made clear that in case the petitioner does not surrender before the court below concerned within a period of ten days from the date of issuance of the certified copy of this order, then the directions issued herein above shall automatically stand vacated.

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

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

