

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

Crl.MC.No. 3077 of 2015

SC.NO.333/2011 OF IV ADDITIONAL SESSIONS COURT, PATHANAMTHITTA.
CRIME NO. 76/2007 OF CBCID, PATHANAMTHITTA.

PETITIONER/ACCUSED NO. 126:

AJEESH CHANDRAN @ ANEESH CHANDRAN,
AGED 39 YEARS, S/O. RAMACHANDRAN PILLAI,
KALARTHUTHIYIL, NELLUR MURI,
MALAYALAPUZHA, PATHANAMTHITTA.

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY

RESPONDENT/STATE:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
(CRIME NO. 76/CR/KTM/2007 CBCID, PATHANAMTHITTA)

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 28-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

mbr/

ALEXANDER THOMAS, J.

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Crl.M.C.No.3077 of 2015

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Dated this the 28th day of May, 2015

ORDER

The petitioner herein is the 126th accused in Crime No. 192/2002 on the file of the Pathanamthitta Police Station (which was later transferred to CBCID and re-registered as Crime No. 76/CR/KTM/2007), registered for offences under Secs.143, 147, 148, 120B, 324, 326, 332, 333, 342, 427, 307 read with Sec.149 of the IPC and Sec.3(2)(e) of the PDPP Act, 1984. Since the petitioner was not available for trial, the case against him was split up and numbered as S.C.No.333/2011 on the file of the IV Additional Sessions Judge, Pathanamthitta. The prayer in this Crl.M.C. is to direct the Sessions Judge concerned to recall the non-bailable warrant pending against the petitioner in S.C.No. 333/2011 and to direct the Sessions Judge to consider his application for bail on the date of surrender itself.

2. Heard Sri.S.Rajeev and Sri.K.K.Dheerendra Krishnan, learned counsel appearing for the petitioner in this case, as well as

learned Additional State Prosecutor appearing for respondent-State.

3. After having heard both sides and taking into account the totality of the facts and circumstances of this case, it is ordered in the interest of justice that in the event of the petitioner surrendering before the IV Additional Sessions Judge, Pathanamthitta, without any further delay and on the petitioner filing necessary application for recall of the warrant and application for grant of bail, then the learned Sessions Judge shall consider the applications on the same day of surrender itself, in accordance with law and taking into consideration the facts and circumstances of this case. This is subject to the condition that the petitioner shall serve advance notice regarding these applications to the learned prosecutor appearing on behalf of the respondent-State in the case before the court below and it is subject to further condition that the petitioner shall so voluntarily surrender as undertaken by him within an outer time limit of two weeks from today, failing which, the directions issued by this Court in this order will stand automatically vacated. Subject to compliance of these conditions, it is further ordered in the interest of justice that further coercive proceedings

that may be initiated against the petitioner in execution of the impugned warrant in this case will remain suspended until the IV Additional Sessions Judge, Pathanamthitta takes a decision on the applications as aforestated.

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

sd/+
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge

Cr1.M.C.3077/15

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