

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. 3089 of 2015

LP.NO.592002 IN CP.NO. 14/2002 OF CHIEF JUDICIAL MAGISTRATE COURT, WAYANAD
.....

PETITIONER(S)/SOLE ACCUSED:

**K.M.SATHYAN, AGED 49 YEARS,
S/O.VELUKUTTY, KUNTHAPOTTAPOYIL, KUNTHAMPATTA,
KOTTAPADY, WAYANAD, NOW RESIDING AT THIYAKKANDI HOUSE,
NADUVAANNOOR, KOZHIKODE**

BY ADV. SRI.MANSOOR B.H.

RESPONDENT(S)/COMPLAINANT/STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING STATION HOUSE OFFICER,
POLICE STATION, ERNAKULAM, PIN - 687 031.**

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:**

msv/

Crl.MC.No. 3089 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A: COPY OF THE DIARY EXTRACT IN C.P 14/2002 OF CHIEF JUDICIAL
MAGISTRATES COURT, WAYANAD.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

Crl.M.C.No.3089 Of 2015

Dated this the 28th 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 direct the learned Chief Judicial Magistrate, Kalpetta, Wayanad to consider to enlarge the petitioner on bail in the event of his surrender before the court and moving for bail in L.P.59/2002 in C.P.14/2002 which arose from Crime No:213/1996 of Meppadi Police Station in the light of decisions reported in

1. Shanu v/s State of Kerala (2000 (3) KLT 452)
2. Ali v/s State of Kerala (2000 (3) KLT 280)
3. Krishnakumar v/s State of Kerala (2005 (1) KLD (Crl) 42)
4. P.P.Kader v/s State of Kerala (2005 (1)KLD (Crl) 250)”

2. Heard Sri.B.H.Mansoor, 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 court below concerned dealing with the aforementioned case, without any further delay and submit 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

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circumstances of this case and in view of the decision in Shanu v. State of Kerala reported in 2000 (3) KLT 452. 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 from the date of issuance of the certified copy of this order, 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 application for bail in accordance with law.

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

ALEXANDER THOMAS,
Judge.

bkn/-