

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYAISHTA, 1937

Crl.MC.No. 3130 of 2015

**LP 122/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-V, KOZHIKODE.
(CRIME NO. 219/2008 OF BEYPORE POLICE STATION, KOZHIKODE DISTRICT)**
.....

PETITIONER(S)/ACCUSED NO.3:

**SUNEESH, AGED 33 YEARS,
S/O. SUBRAMANIAN, KAVUNGAL HOUSE,
SHIVAPURAM ROAD, NORTH BEYPORE,
KOZHIKODE.**

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

RESPONDENT/STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031,
(CRIME NO. 219/2008 OF BEYPORE POLICE STATION,
KOZHIKODE DISTRICT).**

BY PUBLIC PROSECUTOR SMT.S.HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

ALEXANDER THOMAS, J.

Crl.M.C.No.3130 Of 2015

Dated this the 1st day of June, 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 Judicial Magistrate of First Class-V,, Kozhikode, to recall the non-bailable warrant pending against the petitioner in LP No. 122/2014 and be further pleased to direct the learned Magistrate to consider and dispose the bail application on the date of surrender itself..”

2. Heard Sri.S.Rajeev, 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 Judicial First Class Magistrate Court-V, Kozhikode (dealing L.P.No.122/2014) within two weeks from today 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

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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 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 application for bail in accordance with law.

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

ALEXANDER THOMAS,
Judge.

bkn/-