

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. 3146 of 2015 ()

CRIME NO. 239/2015 OF AGALI POLICE STATION, PALAKKAD DISTRICT

PETITIONERS/ACCUSED :

1. C.P. BABU,
S/O. POULOSE, AGED 48 YEARS
CHELAKKAL PUTHANPURA HOUSE, ODAPETTY
KOLLIPARA, PALAKKAD DISTRICT.
2. JAMSHEER
S/O. SULAIMAN, AGED 35 YEARS
NARUKKOTTIL HOUSE, AGALI
PALAKKAD DISTRICT.
3. SIVASANKARAN
S/O. SANKARAN NAIR, AGED 51 YEARS
PARAPOOR HOUSE, RAJIV COLONY
AGALI, PALAKKAD DISTRICT.
4. RAJESH
S/O. RAVINDRAN PILLAI, AGED 33 YEARS
RAJANI BHAVAN, MATTATHUKADU P.O.,
AGALI , PALAKKAD DISTRICT
5. MANIKANDAN
S/O. GANESAN, AGED 28 YEARS
AGALI, PALAKKAD DISTRICT
6. SUDHAKARAN
S/O. VELLAKUTTY, AGED 35 YEARS
ANAKKATTY, MATTATHUKADA
PALAKKAD DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS/STATE & COMPLAINANT :

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.

**2. THE SUB INSPECTOR OF POLICE
AGALI POLICE STATION, PALAKKAD DISTRICT
PIN – 678 581.**

R1 & R2 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:**

Mn

...3/-

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APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE A TRUE COPY FO THE F.I.R AND F.I.S IN CRIME NO. 239/2015 OF
THE AGALI POLICE STATION DATED 28/4/2015**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

ALEXANDER THOMAS, J.

Crl.M.C.No.3146 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 J.F.C.M, Mannarkkad to release the petitioners on bail on their surrender before the Court, in the light of the decision of this Hon'ble Court in Shanu v. State of Kerala (2000(3) KLT 452), in the interests of justice”

2. Heard Sri.Babu.S.Nair, learned counsel for the petitioners and the learned Public Prosecutor appearing for the respondents.

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, Mannarkkad (dealing Crime No.239/2015 of Agali Police Station), within a period of 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 accordance with law and taking into consideration the facts and circumstances of this case and in view

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of the decision in Shanu v. State of Kerala reported in 2000 (3) KLT 452.

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 said period of two weeks 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/-