

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. 3163 of 2015

CC 2013/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, THALASSERY.
.....

PETITIONER/ACCUSED:

**SUMIT P.K., AGED 32 YEARS,
S/O.SUKUMARAN, SREEYEES,
DHARMADAM AMSOM, DESOM,
ANDALLOOR, P.O.PALAYAD, KANNUR.**

BY ADV. SRI.T.B.SHAJIMON

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**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.3163 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 allow this Crl.M.C and may please to direct the Hon'ble Judicial First Class Magistrate Court Thalassery to consider and allow the bail application in C.C.No.2013/2015 .which would be filed by the petitioner, on the date of filing of the application itself. And may also be pleased to pass any other order or direction deem fit and proper to the circumstances of this case and thus render justice.”

2. Heard Sri.T.B.Shajimon, 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, Thalassery (dealing C.C.No.2013/2015) 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 CrI.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-