

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

Crl.MC.No. 3175 of 2015 ()

CC.NO. 399/2010 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, MUVATTUPUZHA

PETITIONER/2ND ACCUSED :

**SONY JOSEPH, AGED 41 YEARS
S/O.JOSEPH, KALAPPURACKAL HOUSE, NORTH MARADY KARA
MARADY VILLAGE, MUVATTUPUZHA, PIN – 686661.**

**BY ADVS.SRI.THOMAS M. JACOB
SRI.T.R.JERRY SEBASTIAN**

RESPONDENT/COMPLAINANT AND STATE:

**1. BALAKRISHNAN NAIR
AGED ABOUT 60 YEARS,
KOLLAMPARAMBIL HOUSE, NORTH MARADY KARA
MARADY VILLAGE, MUVATTUPUZHA, PIN – 686661.**

**2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA**

R2 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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...2/-

Crl.MC.No. 3175 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES :

ANNEXURE AI: TRUE COPY OF THE COMPLAINT IN CC.NO.399/2010

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 3175 of 2015

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Dated this the 2nd day of June, 2015

O R D E R

The above captioned Crl.M.C. has been filed under Sec.482 of the Code of Criminal Procedure with the following prayers:

- i. Set aside the Non Bailable Warrant against the petitioner/2nd accused in C.C.399/2010 in the files of Judicial First Class Magistrate Court-I, Muvattupuzha;
- ii. Direct the Judicial First Class Magistrate Court-I, Muvattupuzha to pass orders on the application for bail to be filed by the petitioner/2nd accused in C.C.No.399/2010 of that Court, on the same day, without remanding him into custody."

2. Heard Sri.Thomas.M.Jacob, 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's Court-I, Muvattupuzha, dealing with the aforementioned case, within three weeks from today, and submits necessary application for recall of the warrant and application for grant of bail, then the above said Magistrate's court shall consider those applications on the same day itself, in 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 a period of three 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 application for bail, in accordance with law.

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

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Sd/-
ALEXANDER THOMAS, JUDGE
///True copy///

P.S. to Judge