

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

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

Crl.MC.No. 3182 of 2015 ()

CC. NO.108/2015 OF CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM.

.....

PETITIONER/1ST ACCUSED:

**EMIL K.JOHN, AGED 40 YEARS,
S/O.LATE JOHN, RESIDING AT MANPURACKAL HOUSE,
AMBALAPARA ROAD, PALACHUVADU, KAKKANADU,
COCHIN-682 031.**

BY ADV. SRI.K.K.JAYARAJ NAMBIAR.

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.S. HYMA.

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

rs.

ALEXANDER THOMAS, J.

Crl.M.C.No.3182 Of 2015

Dated this the 2nd 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 issue direction to the Chief Judicial Magistrate's Court, Ernakulam to consider and dispose the bail application that may be submitted by the petitioner/1st accused in C.C.No.108/2015 on the same day of his surrender before the court and moving for bail, by allowing this Memorandum of Criminal Miscellaneous Case, in the interest of justice.”

2. Heard Sri.K.K.Jayaraj Nambiar, 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 Chief Judicial Magistrate Court, Ernakulam (dealing C.C.No.108/2015) 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 accordance with

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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/-