

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

Crl.MC.No. 3245 of 2015

**CP 86/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
VADAKKANCHERRY
CRIME NO. 105/2013 OF ERUMAPETTY POLICE STATION , TRISSUR**

PETITIONER/ACCUSED NO.14:

**RAJAN, AGED 50 YEARS
S/O APPUKUTTAN, ATHANIKKAL HOUSE, VELOOR VILLAGE
THALAPILY TALUK, THRISSUR DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENTS/STATE AND COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. THE SUB INSPECTOR OF POLICE,
ERUMAPETTY POLICE STATION,
THRISSUR DISTRICT, PIN:680584.**

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

ALEXANDER THOMAS, J.

Crl.M.C.No.3245 Of 2015

Dated this the 3rd 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., Wadakkanchery to recall the non-bailable warrant issued against the petitioner in C.P.No.86/2014 arising out of Crime No.105/2013 of the Erumapetty Police Station and to consider his application for bail on the same day itself, notwithstanding the pendency of the non-bailable warrant, in the interests of justice.”

2. Heard Sri.Babu S.Nair, learned counsel for the petitioner 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 petitioner voluntarily surrenders before the Judicial First Class Magistrate Court, Wadakkanchery (dealing C.P.No.86/2014) 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 accordance with law and taking into consideration the facts and

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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/-