

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ALEXANDER THOMAS

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYASHTA, 1937

Crl.MC.No.3425 of 2015

**CP NO.28/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT,SASTHAMCOTTA
CRIME NO.102/2014 OF SASTHAMCOTTAH EXCISE RANGE OFFICE,KOLLAM.**

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PETITIONER/ACCUSED:

**USHA,AGED 42 YEARS,W/O.SURESH BABU,
USHALAYAM VEEDU,EDAPPANAYAM MURI,
SOORANAD VILLAGE,KUNNATHOOR TALUK,
KOLLAM DISTRICT.**

BY ADV.SRI.P.V.DILEEP

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3425 of 2015

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Dated this the 9th 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) issue a direction to the Judicial First Class Magistrate Court, Sasthamcotta to consider the petitioner's bail application on the date of surrender itself in the light of Sukumari Vs. State of Kerala (2001 (1) KLT 22) and; Sreekumar Vs. State of Kerala (2008(3) KLT 748.
- i)(sic) Issue a direction to release the petitioner on bail in the event of her surrender before the Judicial First Class Magistrate Court, Sasthamcotta in C.P.No. 28/2015.”

2. Heard Sri.P.V.Dileep, 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, Sasthamcotta, dealing with the aforementioned case, within two 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 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 application for bail, in accordance with law.

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

Sd/-

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ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge

