

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

Crl.MC.No. 3517 of 2015 ()

**LP.NO. 15/2011 IN CC.NO.424/2002 OF CHIEF JUDICIAL MAGISTRATE COURT,
THRISSUR**

PETITIONER/ACCUSED NO.1 :

***K.T.VARGHESE, AGED 53 YEARS,S/O.PATHROSE,
M/S. WELGATE ROADWAYS PVT. LTD., WELGATE GARDEN,
VAZHUTHACODE, THIRUVANANTHAPURAM, NOW RESIDING AT
WELGATE GARDENS, KOWDIAR, THIRUVANANTHAPURAM. (CORRECTED)**

**BY ADVS.SRI.C.RAJENDRAN
SRI.D.SAJEEV**

RESPONDENT(S)/COMPLAINANT/STATE :

- 1. KALYAN SILKS THRISSUR PVT. LTD.,
REPRESENTED BY SRI.KUTTAN MENON, AGED 68 YEARS,
S/O.GOPALA MENON, KANOOR HOUSE, VELLANGALLUR DESOM,
VADAKUMKARA VILLAGE, MUKUNTHAPURAM TALUK,
THRISSUR-680 662**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031**

R2 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

***THE NAME OF THE PETITIONER K.T.VARGHESE IS CORRECTED AND
SUBSTITUTED AS "K.P.VARGHESE" AS PER ORDER DATED 02/07/2015 IN
CRL.M.A.NO.6236/2015.**

**SD/-
ASSISTANT REGISTRAR**

sts

CRMC.NO.3517/2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEX A1 COPY OF THE C.M.P.NO.7541/2001 FILED BY THE 1ST RESPONDENT
BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, THRISSUR.**

RESPONDENT'S ANNEXURES: NIL

/TRUE COPY/

P.S.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3517 of 2015

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Dated this the 11th 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:

- i. To direct the Chief Judicial Magistrate Court, Thrissur, to consider and pass orders in the bail application of the petitioner on the very same date of filing in such a way to get the petitioner to enlarge on bail on the same date of surrender itself.
- ii) To direct the Chief Judicial Magistrate Court, Thrissur to release the petitioner on self bond by depositing the bond amount, without insisting for sureties."

2. Heard Sri.C.Rajendran, 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's Court, Thrissur, dealing with L.P.No.15/2011 in C.C.No.424/2002 arising from Crime No.36/2002 of Thrissur Town East Police Station, 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 also 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.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

Cr1.M.C.3517/15

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