

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

Crl.MC.No. 3535 of 2015

**CP 37/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,PATHANAMTHITTA.
CRIME NO. 91/2013 OF ARANMULA POLICE STATION, PATHANAMTHITTA.**
.....

PETITIONER/2ND ACCUSED:

**PRAKASH KOSHY MATHEW,
S/O.MATHEW KURIAN, AGED 25,
CHOONDOLIL HOUSE, MULLAPUZHASSERY,
ARANMULA.**

BY ADV. SRI.S.NIDHEESH

RESPONDENT/STATE:

**THE 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 12-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE I : TRUE COPY OF THE FIR IN CRIME 91/13 OF ARANMULA POLICE STATION.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

ALEXANDER THOMAS, J.

Crl.M.C.No.3535 Of 2015

Dated this the 12th 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 allow the Crl.M.C.
- ii) To direct the Judicial First Class Magistrate Court-I, Pathanamthitta to consider the application for Regular bail to be filed on his surrender on the same day on its merits and to pass orders thereon in accordance with law with a further direction to keep in abeyance the non bailable warrant so as to enable the petitioner to seek Regular bail.
- iii) To grant such other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. Heard Sri.S.Nidheesh, 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-1, Pathanamthitta (dealing C.P.No.37/2015) within two weeks from today and submit necessary application for recall of the warrant and application for grant of bail, then the court below

Crl.M.C.No.3535 Of 2015

concerned 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 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/-