

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ALEXANDER THOMAS

MONDAY, THE 15TH DAY OF JUNE 2015/25TH JYAISHTA, 1937

Crl.MC.No.3546 of 2015

**CP NO.21/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT,SASTHAMCOTTA
CRIME NO.71/2012 OF SASTHAMCOTTAH EXCISE RANGE OFFICE,KOLLAM.**

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PETITIONER/ACCUSED:

**VIDYADHARAN,AGED 49 YEARS,
S/O.KUNJU PILLAI,THOTTUKAVU VEEDU,
PATHIRICKAL MURI,SOORANADU NORTH VILLAGE,
KUNNATHOOR TALUK,KOLLAM DISTRICT**

BY ADV.SRI.K.VANIL KUMAR

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.S.HYMA.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 3546 of 2015

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Dated this the 15th 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) issue a direction to recall the non-bailable warrant against the petitioner/accused in C.P.21/2013 of the Judicial First Class Magistrate Court, Sasthamcotta;
- ii) issue a direction to the Judicial First Class Magistrate Court, Sasthamcotta to consider the petitioner's bail application in C.P.21/2013 on the date of surrender itself.”

2. Heard Sri.K.V.Anil Kumar, 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 Crl.M.C. stands finally disposed of.

Sd/-

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ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge

