

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. 3551 of 2015

**CC 257/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, THAMARASSERY
CRIME NO.410/2014 OF KODUVALLY POLICE STATION, KOZHIKODU**

PETITIONER(S)/ACCUSED:

1. ABOOBACKER K.C., AGED 58 YEARS,
S/O. SAITHUTTY HAJI, KUZHAPPANCHALIL HOUSE
KIZHAKOTH AMSOM, PANNUR DESOM, THAMARASSERY THALUK,
KOZHIKODU DISTRICT.
2. SAHADUDHEEN C., AGED 48 YEARS,
S/O. SAMAD MUSLIYAR, CHALIL HOUSE, KIZHAKOTH AMSOM,
PANNUR DESOM, THAMARASSERY THALUK, KOZHIKODU DISTRICT.
3. U.P.MUHAMMED ASHRAF, AGED 42 YEARS,
S/O. HUSSAIN, VELAKKANA PARAMBU, KIZHAKOTH AMSOM,
PANNUR DESOM, THAMARASSERY THALUK, KOZHIKODU DISTRICT.
4. ABDUL NAZAR U.P., AGED 34 YEARS,
S/O. HUSSAIN, UNNIRAM PARAMBIL HOUSE, KIZHAKOTH AMSOM,
PANNUR DESOM, THAMARASSERY THALUK, KOZHIKODU DISTRICT.

**BY ADVS.SRI.K.S.ARUN KUMAR
SRI.M.S.DILEEP**

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

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

msv/

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3551 of 2015

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Dated this the 15th 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:

".....to direct the learned Magistrate to release the petitioners on bail on the date of their surrender itself in CC 257/2015 of Judicial First Class Magistrate Court-I, Thamarassery, in the interest of justice."

2. Heard Sri.K.S.Arunkumar, learned counsel for the petitioners 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 petitioners voluntarily surrender before the Judicial First Class Magistrate's Court-I, Thamarassery, dealing with the aforementioned case, within two weeks from today, and submit 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 petitioners 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 petitioners may be kept in abeyance for the time being. It is made clear that in case the petitioners do 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/-
ALEXANDER THOMAS, JUDGE

sdk+
///True copy///

P.S. to Judge

