

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

Crl.MC.No. 3590 of 2015

**CRL.MP 801/2015 OF SESSIONS COURT, KOTTAYAM DATED 16-05-2015
CRIME NO. 289/2003 OF GANDHINAGAR POLICE STATION , KOTTAYAM**

PETITIONER/ACCUSED NO.4:

**MUSTHAF A, AGED 37 YEARS,
(57 SIC), S/O KASSIM, ODAKKAL,
ARPOOKKARA KARA, ARPOOKKARA VILLAGE, ARPOOKKARA,
KOTTAYAM DISTRICT.**

BY ADV. SRI.A.C.DEVY

RESPONDENT/COMPLAINANT:

**THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SMT.S.HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 3590 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A : TRUE CARBON COPY OF THE ORDER DATED 16.5.2015 IN
CR.M.P.801/2015.**

ANNEXURE B: TRUE COPY OF MEDICAL REPORT OF THE PETITIONER.

RESPONDENT(S)' ANNEXURE

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3590 of 2015

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Dated this the 16th 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 court below to enlarge the petitioner on bail on his appearance before the court below on the same day itself on such conditions as deemed fit by the court below so as to secure the ends of justice.”

2. Heard Sri.A.C.Devy, 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 Sessions Court, Kottayam, dealing with Calendar Case, C.C.No.222/2009 arising out of Crime No.289/2003 of Gandhi Nagar 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 Sessions 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 his 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 stand automatically 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

