

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

Crl.MC.No. 3670 of 2015

**L.P.NO.105/2003 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
THIRUVANANTHAPURAM**

**CRIME NO. 138/1999 OF CANTONMENT POLICE STATION ,
THIRUVANANTHAPURAM**

PETITIONER(S)/ACCUSED NO.9 :

**A.H.HAFEEES,
S/O.HAMEED BAVA, AZHIPURATH HOUSE, MUKKULAM EAST.P.O,
YENDAYAR, IDUKKI DISTRICT,
NOW RESIDING AT AZHIPURATH HOUSE, T.C.5/1966,
KAWDIYAR.P.O, THIRUVANANTHAPURAM, PIN-695 003.**

BY ADV. SRI.SERGI JOSEPH THOMAS

RESPONDENT(S)/STATE :

**STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
CANTONMENT POLICE STATION, THIRUVANANTHAPURAM,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.S.HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3670 of 2015

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Dated this the 18th 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 pass an order directing the Judicial First Class Magistrate Court-1, Thiruvananthapuram to consider the bail application moved on behalf of the petitioner in L.P.No.105/2003 arising out of Crime No.138/1999 of Cantonment Police Station, Thiruvananthapuram, while surrendering and orders on merit may be passed on such application on the date of surrender itself, in the interest of justice.”

2. Heard Sri.Sergi Joseph Thomas, 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-1, Thiruvananthapuram, 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.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

