

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Crl.MC.No. 3683 of 2015 ()

LP.NO. 116/2011 OF CHIEF JUDICIAL FIRST CLASS MAGISTRATE COURT, KASARGOD

PETITIONER/ACCUSED :

**ABDUL REHMAN A., AGED 52 YEARS
S/O. MOHAMOOD, PACHAKKAD HOUSE
RAHMATH NAGAR, CHEROR ROAD
CHENGALA, KASARGOD.**

**BY ADVS.SRI.P.V.KUNHIKRISHNAN
SRI.G.ANEESH
SRI.P.V.ANOOP
SMT.PRIYANKA VARGHESE**

RESPONDENTS/COMPLAINANT & STATE :

- 1. S.I. OF POLICE
KASARGOD POLICE STATION
KASARGOD – 671 001.**
- 2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
KOCHI – 682 031.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

...2/-

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE A : COPY OF THE CHARGE SHEET IN CC NO. 661/10 WHICH IS
NOW PENDING AS L.P. NO. 116/2011 ON THE FILE OF THE
CHIEF JUDICIAL MAGISTRATE COURT, KASARGOD.**

RESPONDENT'S ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3683 of 2015

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Dated this the 22nd 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:

“.....this Honourable court may kindly direct the Chief Judicial Magistrate Court, Kasaragod, to consider the bail application of the petitioner on the date of his surrender in L.P.No.116/2011 and further direct to keep in abeyance the warrant of arrest till the bail application is considered by the learned Magistrate.”

2. Heard Sri.P.V.Kunhikrishnan 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 Chief Judicial Magistrate's Court, Kasaragod in L.P.No.116/2011, 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/-ALEXANDER THOMAS, JUDGE

MJL