

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. 3700 of 2015 ()

**CRIME NO. 103/2010 OF SASTHAMCOTTA EXCISE RANGE OFFICE
CP.NO. 17/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, SASTHAMCOTTA**

PETITIONER/ACCUSED :

**SUKUMARAN NAIR, AGED 65 YEARS
S/O. RAMAKRISHNAN NAIR, PREETHA BHAVANAM
VALIAPADAM MURI, WEST-KALLADA VILLAGE
KUNNATHOOR TALUK, KOLLAM DISTRICT.**

BY ADV. SRI. P.V. DILEEP

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 22-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 3700 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:

- “i) issue a direction to the Judicial First Class Magistrate Court, Sasthamcotta to consider the petitioner's bail application on the date of surrender itself in the light of Sukumari Vs. State of Kerala (2001 (1) KLT 22) and; Sreekumar Vs. State of Kerala (2008(3) KLT 748),
- ii) issue a direction to release the petitioner on bail in the event of his surrender before the Judicial First Class Magistrate Court, Sasthamcotta in C.P.No.17/2014.
- lii) Issue such other order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. Heard Sri.P.V.Dileep, 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 in C.P.No.17/2014 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. The learned Magistrate will also consider the reported rulings of this Court in the case *Sukumari v. State of Kerala* reported in 2001(1)KLT 22 and in the case *Sreekumar v. State of Kerala* reported in 2008 (3) KLT 748 and such other rulings that the petitioner's counsel may rely on. 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