

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

CrI.MC.No. 3726 of 2015 ()

**LP.NO. 44/2015 OF ADDL. SESSIONS COURT - V, THIRUVANANTHAPURAM
SC.NO. 584/2004 OF ADDL. DISTRICT SESSIONS (ADHOC)-II,
THIRUVANANTHAPURAM
CRIME NO.OR.1/2004 OF NCB/RIU/ THIRUVANANTHAPURAM**

PETITIONER/A3:-

**M.A.K. ASIF,
IOB CHOICE HEIGHTS, BAINS COMPOUND, NANTHENCOD,
THIRUVANANTHAPURAM (ABSCONDING).**

**BY ADVS.SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.V.S.THOSHIN**

RESPONDENT(S)/COMPLAINANT:-

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.PIN-682 031**
- 2. INTELLIGENCE OFFICER,
NARCOTIC CONTROL BUREAU, REGIONAL INTELLIGENCE UNIT,
THIRUVANANTHAPURAM-695 001**

BY ADDL.DGP SRI.TOM JOSE PADINJAREKKARA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 3726 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A. TRUE COPY OF THE JUDGMENT IN SC NO.584/04 DATED 10.12.07 OF
THE ADDL. SESSIONS JUDGE, ADHOC NO.II, THIRUVANANTHAPURAM.**

**ANNEX B. CERTIFICATE ISSUED BY DR.M.NAZAR, SENIOR CONSULTANT,
UROLOGIST & ANDOLOGIST PROFESSOR & HEAD, DEPARTMENT OF
GENITO URINARY SURGERY, GOVT. T.D. MEDICAL COLLEGE
HOSPITAL, VANDANAM, ALAPUZHA.**

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

Crl.M.C.No.3726 Of 2015

Dated this the 23rd day of June, 2015.

ORDER

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 recall the L.P. warrant No.44/15 in Crime Cr.No.OR.1/2004 of NCB/RIU/Thiruvananthapuram pending on the file of Addl. Sessions Court-V, Thiruvananthapuram pending against the petitioner and further direct the court below to release the petitioners on bail in the event he surrender before the court below by exercising the inherent powers of this court in the interests of justice.”

2. Heard Sri.Sasthamangalam S.Ajithkumar, learned counsel for the petitioner and Sri.Tom Jose Padinjarekkara, learned Additional DG of Prosecution and Additional State 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 Additional Sessions Court-V, Thiruvananthapuram (dealing L.P.No.44/2015 arising out of

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Cr.No.OR.1/2004 of NCB/RIU/Thiruvananthapuram) within two weeks from today and submit necessary application for recall of the warrant and application for grant of bail, then the court below concerned 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 open to the petitioner to place for consideration Ext.C1 FSL report referred to Annexure-A judgment. The plea of the petitioner that the offence charged against him is only a bailable offence should also be examined and adverted to by the court below. 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 the aforementioned period of two weeks from today as directed above, then the directions issued herein above shall automatically stand

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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.

ALEXANDER THOMAS,
Judge.

bkn/-