

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

CrI.MC.No. 3793 of 2015 ()

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AGAINST THE ORDER IN CC 811/2009 of J.M.F.C.-II, ERNAKULAM DATED**

PETITIONER(S)/ACCUSED NO.6,7,13,17,20,22,23:

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- 1. ACKINO ANTONY
KOLLAMPARAMBIL HOUSE, VELIYATHUNAD P.O., U.C.COLLEGE
ALUVA.**
 - 2. VIJEESH P.C.
PULITHARANAKKATTIL HOUSE, PONNARIMANGALAM
MULAVUKAD P.O., ERNAKULAM.**
 - 3. THOMAS NICE
KOLLAMPARAMBIL HOUSE, VELIYATHUNAD P.O., U.C.COLLEGE
ALUVA.**
 - 4. VINOD C.S.
KIZHUPPILLIL HOUSE, CHEMBUMUKKU, KAKKANAD P.O.
KOCHI-30.**
 - 5. GOPAN P.C.
PULIPARAMBIL HOUSE, K.K.ROAD, KOCHI-67.**
 - 6. SAHIN ANTONY
MADATHIPARAMBIL HOUSE, NEAR ACQUINAS COLLEGE, EDAKOCHI
KOCHI-18.**
 - 7. SHUKKOOR B.
KANJUMPARAMBIL HOUSE, HOUSE NO.18/1273 A
ST.JOSEPH CHAPPEL ROAD, PALLURUTHY, KOCHI-682 006.**

**BY ADVS.SRI.K.R.VINOD
MS.JENCY SUSAN JOSE
SRI.V.SRI NATH**

RESPONDENT(S)/COMPLAINANT:

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STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

R BY PUBLIC PROSECUTOR ADVT.SMT.SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24-06-
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.3793 of 2015

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Dated this the 24th 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 Judicial First Class Magistrate Court II at Ernakulam to consider and dispose off the bail application filed by the petitioner in C.C.No.811/2009 in the files of the Judicial First Class Magistrate Court II at Ernakulam, on the same day of their surrender.”==

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2. Heard Sri.K.R.Vinod, 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 II, Ernakulam (dealing with C.C.No.811/2009), 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

//TRUE COPY//

PA TO JUDGE

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