

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

Crl.MC.No. 3867 of 2015 ()

CRIME NO. 341/2015 OF MANNARKKAD POLICE STATION , PALAKKAD DISTRICT

PETITIONER/ACCUSED:

**NOUSHAD, AGED 39 YEARS,
S/O.SAIDALAVI, THAYATPILAKAL (H),
AMMINIKADU P.O., PERINTHALMANNA,
MALAPPURAM (DIST).**

BY ADV. SRI.R.ROHITH

RESPONDENT :

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

BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 25-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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ALEXANDER THOMAS, J.

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Crl.M.C No.3867 of 2015

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Dated this the 25th 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) direct the Hon'ble Judicial First Class Magistrate Court, Mannarkkad, Palakkad to consider the petition for bail on the date of surrender on any conditions as directed by the Hon'ble court.
- ii) direct the respondent to stop all coercive proceedings on the basis of warrant against the petitioner in Crime No.341/2015 of Mannarkkad Police Station, Palakkad
- iii) issue any other order, or direction appropriate in the circumstances of the case”

2. Heard Sri.R. Rohith, 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, Mannarkkad, Palakkad 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/-

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ALEXANDER THOMAS, JUDGE

