

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

Crl.MC.No. 3887 of 2015 ()

**CC NO. 486/2012 WHICH IS NOW PENDING AS LP 126/2012 of CHIEF JUDICIAL
MAGISTRATE COURT, PALAKKAD**

PETITIONER/ACCUSED :

**C.RAJAGOPAL, AGED 50 YEARS,
S/O. SETHUMADHAVAN NAIR, L.D.CLERK, PWD,
PWD QUARTERS, JAINUMEDU, VADAKATHARA,
PALAKKAD.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S
SRI.RENJIT GEORGE
SMT.ANJU MOHAN
SRI.S.K.SUJITH KRISHNA
SRI.S.VISHNU (ARIKKATTIL)**

RESPONDENT/STATE :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. UBAIDULLAH
S/O. ABDUL MAJEED, 32, 20/554
PUTHUPPALLYTHERUVU, NOORANI, PALAKKAD-678001.**

R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 26-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

ALEXANDER THOMAS, J.

Crl.M.C.No.3887 Of 2015

Dated this the 26th 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 prayer:

“..... to pass an order directing the Chief Judicial Magistrate Court, Palakkad, to consider the bail application in C.C.No.486/12 which is now pending as L.P.No.126/2012 before the Chief Judicial Magistrate Court, Palakkad moved on behalf of the petitioner while surrendering and orders on merit may be passed on such application on the date of surrender itself.”

2. Heard Sri.K.Shaj, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondents.

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 Court, Palakkad (dealing L.P.No.126/2012 in C.C.No.486/2012) 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

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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 the aforementioned period of two weeks from today 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.

ALEXANDER THOMAS,
Judge.

bkn/-