

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ALEXANDER THOMAS

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

Crl.MC.No.3990 of 2015

**CP NO.55/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II,HOSDRUG.
CRIME NO.433/2012 OF BEKAL POLICE STATION,KASARGOD.**

PETITIONER/ACCUSED NO.7:

**MUHAMMED RABIYAN M.A @ RABIYAN,
AGED 26 YEARS,S/O.K.M.ABDUL RAHIMAN,
M.M.HOUSE,MOVVAL P.O.,PALLIKKARA VILLAGE,
KASARAGOD - 671 316.**

**BY ADVS.SRI.C.ANILKUMAR (KALLESSERIL)
SRI.C.Y.VINOD KUMAR**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
(REPRESENTED BY THE INSPECTOR OF POLICE,
HOSDURG - CRIME NO.433/2012 OF BACKAL POLICE STATION),
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.GITHESH.R

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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ALEXANDER THOMAS, J.

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Crl.M.C No.3990 of 2015

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Dated this the 30th 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's Court-II, Hosdurg to consider the bail application that may be submitted by the petitioner/7th accused on the same day of his surrender before the court and moving for bail, by allowing this Memorandum of Criminal Miscellaneous Case, in the interest of justice.”

2. Heard Sri.C. Anilkumar Kaleesseril, 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, Hosdurg, Kasaragod 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/-

sab

ALEXANDER THOMAS, JUDGE

