

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

Crl.MC.No. 3995 of 2015

**CC 939/2009 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ALAPPUZHA
CRIME NO. 198/2009 OF NORTH POLICE STATION, ALP , ALAPPUZHA**

PETITIONER(S)/ACCUSED NO.1:

- 1. ANSIL, AGED 31 YEARS,
S/O.ASIZ, VATTACHIRA HOUSE, MANNAMCHERI PO
ALAPPUZHA.**
- 2. HAFSAL AGED 29 YEARS
S/O.ASIZ, VATTACHIRA HOUSE, MANNAMCHERI PO
ALAPPUZHA.**

**BY ADVS.SRI.M.D.SASIKUMARAN
SRI.GEORGE MATHEW
SRI.SUNIL KUMAR A.G
SRI.DIPU JAMES**

RESPONDENT(S):

**STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
ALAPUZZHA NORTH POLICE STATION,
ALAPUZZHA DISTRICT THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-31.**

BY PUBLIC PROSECUTOR SRI.N.SURESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

ALEXANDER THOMAS, J.

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Crl.M.C No.3995 of 2015

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Dated this the 1st 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-I, Alappuzha, to recall the non-bailable warrant issued against the petitioner in L.P No.20 of 2015 in C.C No.939 of 2009 of Alappuzha North Police Station, and to direct the court below to consider the bail application on the date of surrender itself or in the alternative to grant bail to the petitioner, on the same day itself, in the interest of justice.”

2. Heard Sri.M.D Sasikumar, 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-I, Alapuzha (dealing with C.C No.939 of 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/-

sab

ALEXANDER THOMAS, JUDGE

