

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

Crl.MC.No. 4118 of 2015 ()

**L.P. NO.66/1998 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PARAPPANANGADI
CRIME NO. 104/1981 OF THENHIPALAM POLICE STATION, MALAPPURAM DISTRICT**

PETITIONER/ACCUSED :

**NEJJARUKUTTY, AGED 65 YEARS
S/O. SHAIK RAVUTHAR MOIDEEN, NILAMEL
PANGOTTU PAYATTUVILA PUTHENVEEDU,
VEYKAL, KAITHODE, KOLLAM DISTRICT.**

BY ADV. SRI.S.M.ALTHAF

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI. R. GITHESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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ALEXANDER THOMAS, J.

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Crl.M.C No.4118 of 2015

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Dated this the 6th day of July, 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 Court of Judicial First Class Magistrate, Parappanangadi to consider the bail application of the petitioner in L.P No.66/1998 on the date of surrender itself.”

2. Heard Sri.S.M Althaf, 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, Parappanangadi (dealing with L.P No.66/1998), 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