

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

Crl.MC.No. 4237 of 2015

CRIME NO. 1226/2015 OF CHAVARA POLICE STATION , KOLLAM

PETITIONER(S)/ACCUSED 1 & 2:

- 1. YESUDASAN, S/O.SEBASTIAN, AGED 67 YEARS,
SELIN HOUSE, NELESWARAM THOPPU, NEENDAKARA VILLAGE,
KOLLAM DISTRICT.**
- 2. SEBASTIAN, S/O.YESUDASAN, AGED 35 YEARS,
SELIN HOUSE, NELESWARAM THOPPU, NEENDAKARA VILLAGE,
KOLLAM DISTRICT.**

BY ADV. SRI.P.V.DILEEP

RESPONDENT(S)/COMPLAINANT:

- 1. THE SUB INSPECTOR OF POLICE,
CHAVARA POLICE STATION, KOLLAM DISTRICT-690 532.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SRI.N.SURESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No. 4237 of 2015

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Dated this the 9th day of July , 2015

ORDER

The above captioned Crl.M.C. has been filed under Sec.482 of the Code of Criminal Procedure with the following prayers:

- “i)Issue a direction to the Judicial First Class Magistrate Court, Chavara to consider the petitioner's bail application on the date of surrender itself and
- ii) Issue such other order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. Heard Sri.P.V.Dileep, 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 petitioners voluntarily surrenders before the Judicial First Class Magistrate Court, Chavara, (in crime No.1226/2015 of Chavara Police Station in Kollam district) within four weeks from today and submits necessary application for grant of bail, then the court below concerned shall consider the application for bail 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 petitioners 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 made clear that in case the petitioners do not surrender before the court below concerned within a period of four weeks as directed above, then the direction issued herein above will stand automatically 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/-

ALEXANDER THOMAS, JUDGE

AVS