

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. 4246 of 2015 ()

CRIME NO. 722/2015 OF KODUNGALLUR POLICE STATION, THRISSUR DISTRICT.

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PETITIONER/ACCUSED NO.2:

**JASIM V.NAZAR, AGED 22 YEARS,
S/O. LATE V.K. NAZAR, VADAKKANOLIL HOUSE,
LOKAMALLESWARAM, KODUNGALLOOR P.O.,
THRISSUR DISTRICT-680 664.**

**BY ADVS.SRI.C.S.MANU,
SRI.S.K.PREMRAJ.**

RESPONDENTS/COMPLAINANT AND THE INVESTIGATING OFFICER :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SUB INSPECTOR OF POLICE,
KODUNGALLOOR POLICE STATION,
THRISSUR DISTRICT-680 664.
(NOTICE TO WHOM MAY BE SERVED ON
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM).**

BY PUBLIC PROSECUTOR SRI.GITHESH. R.

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

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A1 : COPY OF THE ORDER DATED 26.06.2015 IN
BA NO.3465 OF 2015 PASSED BY THIS HON'BLE COURT.**
- ANNEXURE A2 : COPY OF THE JUDGMENT IN SUKHWANT SINGH VS.
STATE OF PUNJAB REPORTED IN (2009) 7 SCC 559.**
- ANNEXURE A3 : COPY OF THE JUDGMENT IN MUKESH KISHANPURIA VS.
STATE OF WEST BENGAL REPORTED IN 2010(5) SCR 702.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Dated this the 9th day of July , 2015

O R D E R

Sri.C.S.Manu, learned Counsel for the petitioner submits that the petitioner is not pressing the prayer No.iii with liberty to pursue that remedy at the appropriate time. Accordingly the prayer No.iii is closed as not pressed with the aforestated liberty.

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

“i) Direct the Judicial First Class Magistrate's Court, Kodungalloor, Thrissur District, to consider either the application for regular bail or the applicatin for interim bail on the date of filing the application itself by the petitioner in Crime No.722 of 2015 on the file of Kodungalloor Police Station, Thrissur District.

ii) Grant two weeks time to the petitioner to surrender before the Judicial First Class Magistrate's Court, in Crime No.722 of 2015 on the files of the Kodungalloor Police Station, Thrissur District or before the investigating officer in the said crime and to apply for bail.

iii) Direct the 2nd respondent to allow the petitioner to have the presence of his advocate during interrogation of the petitioner by the Investigating officer in connection with crime No.722 of 2015 on the files of the kodungalloor Police Station, Thrissur District.

iv) Grant such other relief as this Hon'ble Court deems fit and proper in the facts and circumstances of the case.”

3. Heard Sri.C.S.Manu, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent– State of Kerala.

4. 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, Kodungalloor, (dealing with Crime No.722 of 2015 on the file of the Kodungalloor Police Station), within two 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 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 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 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

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for bail, in accordance with law.

With these observations and directions, the Crl.M.C. stands finally disposed of.

Sd/-

ALEXANDER THOMAS, JUDGE

AVS