

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

CrI.MC.No. 4276 of 2015 ()

CRIME NO. 282/2002 OF NOORNADU POLICE STATION, ALAPPUZHA DISTRICT

PETITIONER/3RD ACCUSED :

**MAHESH THARAKAN
AGED 39 YEARS, S/O. THARAKAN
ANNIYIL VEETIL, PEROOR KARAZHMA MURI
THAMARAKULAM.**

**BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINILAL**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM – 682 031.**

BY PUBLIC PROSECUTOR SRI. R. GITHESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 10-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

ALEXANDER THOMAS, J.

Crl.M.C.No.4276 Of 2015

Dated this the 10th 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 prayer:

“ To direct the, Judicial First Class Magistrate -I, Mavelikkara to consider the petition to recall the warrant and the bail application in Crime No:282/02 of the Nooranadu police station which is now pending as L.P.no:51/2007 in C.C. No:206/2003 of the Judicial First Class Magistrate Court, Mavelikkara on the date of surrender itself.”

2. Heard Sri.R.Sunil Kumar, 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 Court, Mavelikkara (dealing L.P.No.51/2007 in C.C.No.206/2003), within two weeks from today, and submits necessary application for recall of the warrant and application for grant of bail, then the court below concerned shall consider those applications on the

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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.

ALEXANDER THOMAS,
Judge.

bkn/-