

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

Crl.MC.No. 4296 of 2015 ()

CRIME NO. 902/2014 OF ARANMULA POLICE STATION , PATHANAMTHITTA DISTRICT

PETITIONER(S)/ACCUSED A1 AND A2 :

- 1. DIVAKARAN, AGED 42 YEARS, S/O.SANKARAN,
SHANKARA MANGALATHU HOUSE, GURUKKANNU,
KIDANGANNOOR MURI, KIDANGANNOOR VILLAGE,
KOZHENCHERRY TALUK, PATHANAMTHITTA DISTRICT**
- 2. SANDEEP, AGED 18 YEARS, S/O.DIVAKARAN,
SHANKARA MANGALATHU HOUSE, GURUKKANNU,
KIDANGANNOOR MURI, KIDANGANNOOR VILLAGE,
KOZHENCHERRY TALUK, PATHANAMTHITTA DISTRICT**

BY ADV. SRI.DINESH THANKAPPAN

RESPONDENT/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031**

BY PUBLIC PROSECUTOR SRI.GITHESH.R.

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

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ALEXANDER THOMAS, J.

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Crl.M.C No.4296 of 2015

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Dated this the 10th 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:

- “i. Issue a direction to the Judicial First Class Magistrate Court–I, Pathanamthitta to consider the petitionerss bail application on the date of surrender itself.
- 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.Dinesh Thankappan, learned counsel for the petitioners 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 surrender before the Judicial First Class Magistrate Court–I, Pathanamthitta (in Crime No.902/2014), 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 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 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 for bail, in accordance with law.

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

sd/-

sab

ALEXANDER THOMAS, JUDGE

