

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Crl.MC.No. 4345 of 2015 ()

**L.P.R. NO.65/2008 IN CC NO. 145/2005
OF JUDICIAL FIRST CLASS MAGISTRATE COURT-III, THRISSUR
CRIME NO. 462/2004 OF MANNUTHY POLICE STATION, THRISSUR DISTRICT**

PETITIONER/ACCUSED :

**KRISHNADAS
AGED 48 YEARS, S/O.SAKARANKUTTY,
PAKALPURAKAL HOUSE, MADATARA P.O.
THRISSUR.**

**BY SENIOR ADVOCATE SRI.P.VIJAYA BHANU
BY ADVS.SRI.M.REVIKRISHNAN
SRI.VIPIN NARAYAN**

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI. N. SURESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 14-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

ALEXANDER THOMAS, J.

Crl.M.C.No.4345 Of 2015

Dated this the 14th 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 Court of the Judicial First Class Magistrate No.III, Thrissur to consider the bail application of the petitioner on the date of surrender itself and release the petitioner on bail in L.P.R.No.65/2008 in C.C.No.145/2005 on the file of the Court of the Judicial First Class Magistrate No.III, Thrissur, on such conditions as this Honourable Court may deem fit to impose in the facts of the case, so as to secure the ends of justice.”

2. Heard Sri.P.Vijaya Bhanu, learned senior counsel for the petitioner and the learned Public Prosecutor appearing for the respondent-State of Kerala.

3. It is submitted that the petitioner is the 1st accused in C.C.No.145/2005 on the file of the Judicial First Class Magistrate Court-III, Thrissur, which is now pending as L.P.R.No.65/2008. The offence alleged against the petitioner is the one under Sec.420 r/w 34 IPC. The case of the prosecution is that the accused Nos.1 &

Crl.M.C.No.4345 Of 2015

2 in furtherance of their common intention collected substitution fee from the defacto complainant with a dishonest intention to cheat and thus they have committed the aforesaid offence. It is pointed out by the learned senior counsel appearing for the petitioner that the petitioner is a Non-Resident Indian working in Dubai and accused No.2 is his brother-in-law, who is running the business in question and that the case got included in the long pending case list because the petitioner was abroad. 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-III, Thrissur in L.P.R.No.65/2008 in C.C.No.145/2005 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 same day itself, granting him bail subject to imposition of conditions that may be found just and necessary by the learned Magistrate. Consequent orders on the application for recall of warrant will

Crl.M.C.No.4345 Of 2015

also be thus passed. 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.

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

ALEXANDER THOMAS,
Judge.

bkn/-