

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

CrI.MC.No. 4435 of 2015 ()

**CRIME NO. 703/2005 OF ERNAKULAM CENTRAL POLICE STATION , ERNAKULAM
(L.P.NO.106/2014 IN CC.NO.962/2005 OF JUDICIAL FIRST CLASS MAGISTRATE
COURT-II, ERNAKULAM)**

PETITIONER/ACCUSED NO.2 :

**SAJI, S/O.MANIKIAN, AGED 42 YEARS,
KANDANCHIRAYIL HOUSE, SOUTH NARADY,
P.O.MUVATTUPUZHA.**

BY ADV. SRI.VINUCHAND

RESPONDENT/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY S.I OF POLICE, CENTRAL POLICE STATION,
ERNAKULAM, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, COCHIN-31.**

BY PUBLIC PROSECUTOR SRI.GITHESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 4435 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEX A1 COPY OF THE FIR IN CRIME NO.703/2005 OF CENTRAL POLICE STATION**
- ANNEX A2 COPY OF THE 161 STATEMENT OF IN CRIME NO.703/2005 OF CENTRAL POLICE STATION**
- ANNEX A3 COPY OF THE ORDER DATED 1/6/2015**

RESPONDENT'S ANNEXURES: NIL

/TRUE COPY/

P.S.TO JUDGE

sts

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C. 4435 of 2015

Dated 15th July, 2015

ORDER

1. The petitioner is the 2nd accused in C.C.No.962 of 2005 on the file the Judicial Magistrate of First Class-II, Ernakulam. He seeks a direction to the learned Magistrate to enlarge him on bail. On account of the non appearance of the petitioner before the learned Magistrate, the case against him was split up and was transferred to the register of 'Long Pending Cases' and numbered as L.P.106 of 2014. Non bailable warrant of arrest is pending as against the petitioner, it is submitted.

2. After having heard the learned counsel for the petitioner and the learned Public Prosecutor, I am of the considered view that this Court will not be justified in directing the magistrate to enlarge the petitioner on bail without ascertaining the circumstances under which the

petitioner remained absent before the learned Magistrate.

3. In view of the above, it is hereby ordered that in the event of the petitioner surrendering before the Judicial Magistrate of First Class-II, Ernakulam, on or before 29.7.2014 and applies for recalling the warrant and grant of bail after serving advance notice to the prosecutor concerned, the same shall be considered and orders passed on its merits on the same day itself. Coercive steps, if any, pending as against the petitioner, shall be kept in abeyance till then.

The Criminal Miscellaneous Case is disposed of as above.

SD/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True Copy//

P.S TO JUDGE