

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

CrI.MC.No. 4476 of 2015 ()

**CC.NO. 1742/2010 OF JUDICIAL FIRST CLASS MAGISTRATE
COURT-II, KOTTARAKKARA
CRIME NO. 241/2005 OF POOYAPALLY POLICE STATION , KOLLAM DISTRICT**

PETITIONER/ACCUSED:

**SENTHIL KUMAR, AGED 36 YEARS,
S/O.MURALEEDHARAN, SENTLE BHAVAN, VELIYAM WEST,
KOLLAM DISTRICT.**

BY ADV. SRI.SYAM J SAM

RESPONDENT/STATE AND DEFACTO COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.GITHESH.R

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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ALEXANDER THOMAS, J.

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Crl.M.C.No.4476 of 2015

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Dated this the 17th 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 prayer:

“.....to direct the Judicial First Class Magistrate Court-II, Kottarakara to consider the bail application filed by the petitioner favourably on the date of his surrender before the court in CC No.1742/2010 in Crime No.241/2005 of Pooyapally Police Station in the interest of justice.”

2. Heard Sri.Syam J Sam, 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-II, Kottarakara in C.C.No.1742/2010 in Crime No.241/2005 of Pooyapally Police Station, 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,

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.

Sd/-ALEXANDER THOMAS, JUDGE