

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

Crl.MC.No. 4480 of 2015 ()

**LPR.NO. 125/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, CHALAKUDY
CRIME NO. 1055/2012 OF MALA POLICE STATION , THRISSUR DISTRICT**

PETITIONER/ACCUSED :

**NAVAB SAID JAMALUDHEEN @ NAVAB, AGED 36 YEARS,
S/O.JAMALUDHEEN, UDHARATH HOUSE, EDAVILANGU VILLAGE,
EDAVILANGU DESOM, KODUNGALLUR TALUK,
THRISSUR DISTRICT.**

**BY ADVS.SRI.BABU KARUKAPADATH
SMT.M.A.VAHEEDA BABU
SRI.K.A.NOUSHAD
SRI.MITHUN BABY JOHN
SRI.J.RAMKUMAR**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY SUB-INSPECTOR OF POLICE,MALA POLICE STATION,
(CRIME NO 1055/2012)THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

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. 4480 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 prayers:

- “i) Direct the Judicial First Class Magistrate Court Chalakudy to consider and dispose of the bail application on merits on the date of surrender itself in the event of petitioner filing application for bail in connection with Crime No.1055/2012 of Mala Police Station pending before the Judicial First Class Magistrate Court, Chalakudy as LPR 125/14.
- ii) Issue such other relief as this Hon'ble Court may deem fit.”

2. Heard Sri.Babu Karukapadath, 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, Chalakudy in Crime No.1055/12 of Mala Police Station which is now pending as LPR 125/14 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

MJL