

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

Crl.MC.No. 4546 of 2015 ()

CRIME NO. 151/2014 OF KARUNAGAPPALLY EXCISE RANGE, KOLLAM DISTRICT

PETITIONER/ACCUSED :

**HARSHAKUMAR.L, AGED 40 YEARS,
S/O.LEKSHMANAN,CHENNASSERIL, THODIYOOR NORTH,
KARUNAGAPPALLY, NOW RESIDING AT CHETTISSERITHARA,
THODIYOOR, KARUNAGAPPALLY TALUK, KOLLAM DISTRICT.**

**BY ADVS.SRI.BINU GEORGE
SMT.HEMALATHA**

RESPONDENT/STATE :

**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 20-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 4546 of 2015

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Dated this the 20th 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:

“.....to issue appropriate direction to the Judicial First Class Magistrate Court, Sasthamcotta, to grant bail to the petitioner upon his surrender in Crime No.151/2014 of Judicial First Class Magistrate Court, Sasthamcotta and applying bail on such terms and conditions, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. Heard Sri.Binu George, 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's Court, Sasthamcotta, (dealing with Crime No. 151/2014 of Karunagappally Excise Range) 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. Until the court below takes a decision in the matter of bail as directed above, all further coercive steps against petitioner arising out of the crime in question will be kept in abeyance. 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 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 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.

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ALEXANDER THOMAS, JUDGE
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///True copy///

P.S. to Judge

