

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

Crl.MC.No. 4557 of 2015 ()

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CC. NO.1239/2009 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
CHERTHALA.**

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PETITIONER/ACCUSED :

**TREESA VIDHYADHARAN, AGED 40 YEARS,
W/O. VIDHYADHARAN, VADHYARUPARAMBIL,
MANNAM P.O, NORTH PARAVUR, ERNAKULAM.**

**BY ADVS.SRI.S.RAJEEV,
SRI.K.K.DHEERENDRAKRISHNAN,
SRI.V.VINAY.**

RESPONDENT/STATE/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031,
(CRIME NO.22/2009 OF CHERTHALA POLICE STATION,
ALAPPUZHA DISTRICT).**

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 4557 of 2015

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Dated this the 21st 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 direct the Judicial Magistrate of First Class-I, Cherthala, to recall the non-bailable warrant pending against the petitioner in C.C.No.1239/2009 pending on the file of that court and be further pleased to direct the learned Judicial Magistrate to consider and dispose the bail application of the petitioner on the date of the surrender itself.”

2. Heard. Sri.S.Rajeev, learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondent-State of Kerala.

3. The petitioner is the sole accused in Crime No.22/2009 of Cherthala Police Station, which has led to the pendency of C.C.No.1239/2009 on the file of the Judicial Magistrate of First Class-I, Cherthala registered for offences under Section 420 of IPC. She was absent only on one occasion, viz, 28-11-2014 , as the counsel had mistakenly noted the posting date concerned.

4. Considering the fact that the petitioner is a lady and also the fact that she could not appear before the court below only on one occasion, it is ordered in the interest of justice that in the

event of the petitioner surrendering before the Judicial Magistrate of First Class-I, Cherthala in C.C.No.1239/2009 within a period of two weeks from today and submits necessary application for recall of the warrant and application for grant of bail, then the learned Magistrate shall consider the application for recall the warrant and application for grant of bail on the same day and grant her bail after imposition of any condition that are found to be just, necessary and fair by the learned Magistrate. Consequent orders on the application for recall of warrant will also be passed accordingly by the learned Magistrate. 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

AVS