IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

Crl.MC.No. 4624 of 2015 ()

LP.NO. 212/2006 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I, MAVELIKKARA
CRIME NO. 235/2004 OF KURATHIKKADU POLICE STATION , ALAPPUZHA DISTRICT

PETITIONER/ACCUSED :

SHAJIMON.K.T., AGED 54 YEARS,S/O.MADHAVAN,
THUNDIYIL HOUSE, THURETHIMEL MURI, NEDUVARAMKODU,
CHERYANDAU VILLAGE, CHENGANNUR TALUK,
ALAPPUZHA DISTRICT,

BY ADV. SRI.AJITH MURALI

RESPONDENT/COMPLAINANT :

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031

BY PUBLIC PROSECUTOR SRI.GITHESH.R.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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ALEXANDER THOMAS, J.

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Crl.M.C No.4624 of 2015

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Dated this the 22nd 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) issue a direction to recall the non-bailable warrant against the petitioner in L.P No.212/2006 of Judicial First Class Magistrate Court-I, Mavelikkara.
>
> ii) Issue a direction to the Judicial First Class Magistrate Court-I, Mavelikkara consider the petitioner's bail application on the date of surrender itself and also release the petitioner on bail in the event of his surrender.
>
> iii) Issue such other order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. Heard Sri.Ajith Murali, 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-I, Mavelikkara (dealing with L.P No.212/2006), 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/-

sab ALEXANDER THOMAS, JUDGE