

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

Crl.MC.No. 4662 of 2015 ()

**AGAINST THE ORDER/JUDGMENT IN CP 16/2015 of JUDICIAL FIRST CLASS
MAGISTRATE-I, ALAPPUZHA
CRIME NO. 1771/2013 OF ALAPPUZHA NORTH POLICE STATION , ALAPPUZHA**

PETITIONER(S)/ACCUSED:

**VIMAL, S/O.FRANCIS, AGED 29 YEARS,
KIZHAKKE ARACKAL VEEDU, CANAL WARD, ALAPPUZHA
ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.S.SHANAVAS KHAN
SMT.S.INDU**

RESPONDENT(S)/COMPLAINANT:

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

R BY SMT.S.HYMA, PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
24-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

SD

Crl.MC.No. 4662 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS:

**ANNX. TRUE COPY OF THE ORDER DATED 16.6.2014 IN BA
 NO.2674/2014 OF THIS HON'BLE COURT.**

RESPONDENT(S)' EXHIBITS - NIL

TRUE COPY

P.A TO JUDGE

P. UBAID, J.

Crl.M.C. No.4662 of 2015

Dated this the 24th day of July, 2015

O R D E R

The petitioner herein is the accused in C.P.No.16/2015 of the Judicial First Class Magistrate Court-I, Alappuzha. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued by the learned Magistrate he seeks orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to release him on bail. Of course, the relief as sought by the petitioner cannot be granted by this Court under Section 482 of the Code of Criminal Procedure. The learned Magistrate, who has issued warrant of arrest for proper reasons, will have to consider the request for bail. It is for the learned Magistrate to decide whether bail could be granted to the petitioner. The petitioner will have to surrender before the court below and make application for bail. He will have to explain the reason for his absence in court. Anyway, let appropriate decision regarding bail be taken by the learned Magistrate. However, a direction can be made to consider and dispose of the application for bail on the date of surrender itself.

In the result, this petition is disposed of with direction to the court below that in case the petitioner makes application for bail

on surrender in C.P.No.16/2015, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side. The petitioner is granted time for two weeks to surrender before the court below. During this period, enforcement of warrant of arrest will stand suspended.

Sd/-
P. UBAID, JUDGE

TRUE COPY

P.A TO JUDGE

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