

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

Crl.MC.No. 4732 of 2015 ()

IN CC 835/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PIRAVOM

PETITIONER(S)/ACCUSED:

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1. **BIJU**
S/O VARKY, THOTTIYIL HOUSE, VELIYANNOOR VILLAGE
POOVAKKULAM KARA, MEENACHAL TALUK, KOTTAYAM DISTRICT
 2. **BAIJU**
S/O SCARIYA, PAMBARAYIL PUTHENPURAYIL HOUSE
VELIYANNOOR VILLAGE, POOVAKKULAM KARA, MEENACHAL TALUK
PIRAVOM, ERNAKULAM DISTRICT
 3. **BINU**
S/O ULAHANNAN, THODIYIL HOUSE, VELIYANNOOR VILLAGE
POOVAKKULAM KARA, MEENACHAL TALUK, PIRAVOM
ERNAKULAM DISTRICT

BY ADVS.SRI.K.S.ARUN KUMAR
SMT.RESMI THOMAS

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.GITHESH.R

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
29-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

VS

ALEXANDER THOMAS, J.

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Crl.M.C.No.4732 of 2015

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Dated this the 29th day of July, 2015

ORDER

The above captioned Crl.M.C. has been filed under Sec.482 of the Code of Criminal Procedure with the following prayers:

“The Hon'ble Court may be pleased to direct the learned Magistrate to release the petitioners on bail on the date of their surrender itself in C.C.No.835/2015 of Judicial First Class Magistrate Court, Piravom in the interest of justice”

2. Heard Sri.K.S.Arunkumar, learned counsel for the petitioners 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 petitioners voluntarily surrender before the Judicial First Class Magistrate Court, Piravom dealing with CC.No.835/2015, 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 petitioners 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 petitioners may be kept in abeyance for the time being. It is made clear that in case the petitioners 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

VS