

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

Crl.MC.No. 4744 of 2015 ()

**IN CP 100/2015 of J.F.C.M. VADAKARA
CRIME NO. 1135/2014 OF VATAGARA POLICE STATION , KOZHIKODE**

PETITIONER(S):

**HASHIM, S/O AMMAD,
AGED 22 YEARS,
PUTHANPURAYIL HOUSE,
AYANCHERY, MUKKADATHUMPOYIL,
VATAKARA TALUK.**

BY ADV. SRI.ZUBAIR PULIKOOL

RESPONDENT(S):

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

R BY PUBLIC PROSECUTOR SMT. HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
28-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 4744 of 2015 ()

PETITIONER (S)' ANNEXURE

**ANNEXURE I: CERTIFIED COPY OF THE FINAL REPORT IN 1135/2014 OF VATAKARA
POLICE STATION.**

RESPONDENT(S)' ANNEXURE:

NIL

/TRUE COPY/

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.4744 of 2015
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Dated this the 28th day of July, 2015

ORDER

The petitioner herein is the accused No.3 in C.P.No.100 of 2015 of the Judicial First Class Magistrate Court, Vatakara. On the apprehension of remand to judicial custody on appearance in the trial court he seeks orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to release him on bail or to decide and dispose of his application for bail, without delay. Of course, the relief as sought by the petitioner cannot be granted by this Court under Section 482 of the Code of Criminal Procedure. It is for the Court below to decide whether bail could be granted to the petitioner. The petitioner will have to surrender before the learned Magistrate, and make application for bail. 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.

2. It is submitted by the learned counsel for the petitioner that the FI Statement, or the final report, does not contain any

allegation specifically against the petitioner herein, and that the main acts of offence are alleged against the accused Nos.1 and 2. This will have to be examined by the learned Magistrate when application for bail comes.

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.100 of 2015 of the Judicial First Class Magistrate Court, Vatakara, the same shall be judiciously considered and decided, on the date of surrender itself.

Sd/-

**P.UBAID
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE