

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

Crl.MC.No. 4921 of 2015 ()

SC 656/2013 of ADDL. SESSIONS (SPECIAL) COURT, ERNAKULAM

PETITIONER/2ND ACCUSED :

**SUNIL, AGED 41 YEARS,
S/O. CHELLAPPAN, POKKODATH HOUSE, ASHAN PADI,
PAZHANGANATTU KARA, KIZHAKKAMBALAM ERNAKULAM**

BY ADV. SRI.K.V.SABU

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

ALEXANDER THOMAS, J.

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Crl.M.C.No.4921 of 2015

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Dated this the 4th day of August, 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 prayer:

“.....to recall the warrant issued against the petitioner in SC.656/13 pending before the Hon'ble Addl.Sessions (Special) Court, Ernakulam and further direct the learned Addl.Sessions (Special) Judge, Ernakulam to release the petitioner on bail.”

2. Heard Sri.K.V.Sabu, 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 Additional Sessions (Special) Court, Ernakulam (dealing with SC No.656/13) 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/- ALEXANDER THOMAS, JUDGE

MJL