

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. 4937 of 2015 ()

CC.NO. 206/2003 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I, MAVELIKKARA
CRIME NO. 282/2002 OF NOORANADU POLICE STATION , ALAPPUZHA DISTRICT

PETITIONER/3RD ACCUSED:

MAHESH THARAKAN, AGED 39 YEARS,
S/O.THARAKAN, ANNIYIL VEETIL,
PEROOR KARAZHMA MURI,THAMARAKULAM,
ALAPPUZHA.

BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.

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:

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ALEXANDER THOMAS, J.

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Crl.M.C.No.4937 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 prayers:

- “i) To direct the, Judicial First Class Magistrate–I, Mavelikkara to consider the petition to recall the warrant and the bail application in crime no:282/02 of the Noornadu police station which is now pending as L.P.no:51/2007 in C.C.no:206/2003 of the Judicial First Class Magistrate Court, Mavelikkara on the date of surrender itself and to grant bail on the date of surrender itself.
- ii) Pass such other orders that may deem fit and proper by this Hon'ble court.”

2. Heard Sri.R.Sunil Kumar, 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 Crime No.282/02 of the Noornadu Police Station which is now pending as L.P.No.51/2007 in C.C.No.206/2003) 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