

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. 4941 of 2015 ()

**LP NO. 104/2015 IN CC NO. 197/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
THIRUVALLA.**

PETITIONER/ACCUSED 1 & 2 :

**1. SURENDRAN
S/O.NARAYANAN,
SURAJ BHAVAN, MANNADI
MINNALAKKARA MUNI,
KUTTAPPUZHA VILLAGE.**

**2. SUJATHA
W/O.SURENDRAN,
SURAJ BHAVAN, MANNADI
MINNALAKKARA MUNI,
KUTTAPPUZHA VILLAGE.**

**BY ADVS.SRI.P.HARIDAS
SRI.P.C.SHIJIN**

RESPONDENTS/STATE & COMPLAINANT :

**1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, PIN-682031.**

**2. SUB INSPECTOR OF POLICE,
THIRUVALLA-689101.**

R1 & R2 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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...2/-

Crl.MC.No. 4941 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE I : COPY OF THE FIR NO. 359/2006 AND FINAL REPORT IN LP
NO. 104/2015 IN CC NO. 197/2014 DATED 28.2.2007.**

RESPONDENT'S ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

ALEXANDER THOMAS, J.

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Crl.M.C.No. 4941 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 pass an order recalling the warrant of arrest issued by the learned Magistrate, Thiruvalla in LP No.104/2015 in CC No.197/2014 against the petitioners and also may direct the learned Magistrate to enlarge petitioners on bail in the event of their arrest”.

2. Heard Sri.P.Haridas, learned counsel for the petitioners and the learned Public Prosecutor appearing for the respondents.

3. The petitioners who are spouses, state that the 1st petitioner is 90% blind and 2nd petitioner is 75% blind and that they have already paid off the entire liability amount allegedly due to the Thiruvalla East Co-operative Bank, in relation to the allegations raised in the impugned criminal proceedings.

4. 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 surrenders before the Judicial First Class Magistrate Court, Thiruvalla (dealing

with LP No.104/2015 in CC No.197/2014) 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 do 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. It will be open to the petitioners to produce necessary certificates showing the visual disability and about their

case that they had paid off the dues to the Thiruvalla East Co-operative Bank etc. in which event the learned Magistrate shall have special advertence to those crucial relevant aspects, while deciding on the issue of grant of bail.

With these observations and directions, the Crl.M.C. stands finally disposed of.

Sd/- ALEXANDER THOMAS, JUDGE

MJL