

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

Crl.MC.No. 4973 of 2015 ()

**CC.NO. 1859/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -II,HOSDURG
CRIME NO. 167/2008 OF NILESHWAR POLICE STATION , KASARGOD DISTRICT**

PETITIONER/ACCUSED NO.1:

**ABDUL SATHAR, AGED 40 YEARS,
S/O.ABOOBACKER.E, FIROZ MANZIL,
KOTTAPURAM, NILESHWARAM.**

**BY ADVS.SRI.T.K.VIPINDAS
SMT.PREM BINDU T.K.
SRI.K.V.SREE VINAYAKAN
SRI.K.M.HASHIR
SRI.K.M.MUHAMMED HUSSAIN**

RESPONDENT/STATE:

**THE STATE OF KERLA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA , ERNAKULAM,
REPRESENTED BY SHO,
NILESHWAR POLICE STATION.**

BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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ALEXANDER THOMAS, J.

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Crl.M.C No.4973 of 2015

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Dated this the 5th 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 issue a direction to the Judicial First Class Magistrate Court-II, Hosdurg to recall the non-bailable warrant issued against the petitioner in C.C No.1859/2013 arising from Crime No.167/2008 Nileshtar Police Station.

or in the alternative

- ii) To issue a direction to the Judicial First Class Magistrate Court-II, Hosdurg to consider the bail application to be filed by the petitioner on the date of surrender and pass appropriate orders on the same day.
- iii) To keep in abeyance of execution of non-bailable warrant till such time this Hon'ble Court may be appropriate.”

2. Heard Sri.Vipindas T.K, 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-II, Hosdurg (dealing with C.C No.1859 of 2013), 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.

sab

Sd/-
ALEXANDER THOMAS, JUDGE