

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. 4994 of 2015

LP 31/2015 (ST.NO.1234/2008) OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PALA

PETITIONER/ACCUSED:

**JEEBA M. SAHIB,
KALLUPURAYIDOM HOUSE, KOZHENCHERRY TALUK,
PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.M.T.SURESHKUMAR
SRI.S.SANAL KUMAR
SMT.SMITHA PHILIPOSE
SMT.BHAVANA VELAYUDHAN**

RESPONDENT/COMPLAINANT & STATE:

**1. JOSEPH MATHEW,
MANARKATTU HOUSE, PALA.P.O, MEENACHIL TALUK,
KOTTAYAM DISTRICT-686589.**

**2. STATE,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SRI.GITHESH. R.

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 05-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

ALEXANDER THOMAS, J.

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Crl.M.C No.4994 of 2015

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Dated this the 5th day of August, 2015

ORDER

The above captioned Crl.M.C. has been filed under Sec.482 of the Code of Criminal Procedure with the following prayers:

“... to pass an order directing the Judicial Magistrate of First Class, Pala to consider the bail application filed by the petitioner herein above, in the event of her surrendering before the above said court in connection with L.P No.31 of 2015 (S.T No.1234 of 2008) on the file of the Judicial Magistrate of First Class, Pala and may issue necessary directions to release the petitioner on bail, as the allegations only reveal bailable offences.”

2. Heard Sri.M.T Suresh 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 Pala (dealing with L.P No.31 of 2015), 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/-

sab

ALEXANDER THOMAS, JUDGE

