IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

Crl.MC.No. 5013 of 2015

CC 748/2011 OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT, THIRUVANANTHAPURAM
CRIME NO. 350/2008 OF VANCHIYOOR POLICE STATION , THIRUVANANDAPURAM

PETITIONER(S)/ACCUSED NO.17:

AVEESH SIVAPRASAD, AGED 35 YEARS,,
S/O. SIVAPRASAD, TC 11/1780(1), KALYANI BHAVAN,
CRAJ 3, KASTURI LANE, KAWDIAR P.O.
THIRUVANANTHAPURAM.

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY

RESPONDENT(S)/COMPLAINANT/STATE:

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM - 682 031
(CRIME NO. 197/CR/TVM/2008 CBCID THIRUVANANTHAPURAM).

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 06-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No. 5013 of 2015

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Dated this the 6th 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:

> "…. to recall the non-bailable warrant pending against the petitioner in C.C.No.748/2011 pending on the file of the Addl. Chief Judicial Magistrate Court, Thiruvananthapuram, and further be pleased to direct the learned Magistrate to enlarge the petitioner on bail on the date of surrender itself, on such terms and conditions this Hon'ble court deems fit."

2. Heard Sri.S.Rajeev, 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 Addl. Chief Judicial Magistrate's Court, Thiruvananthapuram, (dealing with the aforementioned case), 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/-

sdk+ ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge