

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

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

Cr1.MC.No. 5036 of 2015

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IN CC 1815/2014 of J.M.F.C.-II, ATTINGAL

CRIME NO.739/2014 OF PALLICKAL POLICE STATION,  
THIRUVANANDAPURAM

PETITIONER/1ST ACCUSED:

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SHANAMON, AGED 33 YEARS,  
S/O.ABDUL RAHIM, MADEENA MANZIL, MOOTHALAPALAM,  
PALLIKKAL P.O., CHIRAYINKIL TALUK,  
THIRUVANANTHAPURAM DISTRICT.

BY ADVS.SRI.C.A.CHACKO

SMT.C.M.CHARISMA

SMT.MEGHA K.XAVIER

RESPONDENT/COMPLAINANT:

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STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

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

Cr1.MC.No. 5036 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE RELEVANT PAGES OF FINAL REPORT IN  
CRIME NO.739/2014 OF PALLICKAL POLICE STATION.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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**P.UBAID, J.**

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**Crl.M.C No.5036 of 2015**  
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Dated this the 5<sup>th</sup> day of August, 2015

**O R D E R**

The petitioner herein is the 1<sup>st</sup> accused in C.C No.1815/2014 of the Judicial First Class Magistrate Court II, Attingal. He has now received summons from the trial court to appear on 8.9.2015. The offence involved is mainly under Section 498A of the Indian Penal Code. It being a non-bailable offence, the petitioner apprehends that he will be remanded to judicial custody on appearance, and he seeks a direction to the court below to release the petitioner on bail, on appearance. Such a relief cannot be granted under Section 482 of the Code of Criminal Procedure. The petitioner will have to appear before the learned Magistrate and seek bail under Section 437 of the Code of Criminal Procedure. Admittedly, there is no warrant of arrest against him, and there is only a summons to appear in court. It is submitted that the other accused are already on bail. I do not think that the learned Magistrate will mechanically remand the petitioner to custody. He can very well appear on

summons and seek bail.

In the result, this Criminal Miscellaneous Case is disposed of with a direction to the court below that in case application for bail is filed by the petitioner on appearance in C.C No.1815/2014 the same shall be judiciously considered and decided on the date of filing of the application itself.

**P.UBAID  
JUDGE**

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