

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

Crl.MC.No. 5047 of 2015

**ORDER DATED 25-07-2015 IN CRMP 3552/2015 OF SESSIONS COURT, ALAPPUZHA
CP 44/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - 1, HARIPAD
CRIME NO. 149/2014 OF KAYAMKULAM EXCISE RANGE OFFICE, ALAPPUZHA**

PETITIONER(S)/ACCUSED:

**SHIBI, AGED 35 YEARS,
S/O. SIVARAMAN, PADANNAKANDATHIL VEEDU,
ARATTUPUZHA KIZHAKKEKARA MURI, ARATTUPUZHA VILLAGE,
KARTHIKAPPALLY TALUK, ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.S.SHANAVAS KHAN
SMT.S.INDU**

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
07-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 5047 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A- TRUE COPY OF THE ORDER DATED 25-7-2015 IN CRL.MP.NO. 3552/2015
OF THE COURT OF SESSIONS JUDGE, ALAPPUZHA.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.A.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

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Crl.M.C.No. 5047 of 2015

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Dated this the 7th 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 direct the Judicial First Class Magistrate Court-I Haripad to consider the bail application of the petitioner in Crime no.149/14 of Kayamkulam Excise Range on the day of surrender itself and to release him on bail, by allowing this Memorandum of Criminal Miscellaneous Case.”

2. Heard Sri.S.Shanavas Khan, 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-I, Haripad (dealing with Crime No.149/2014 of Kayamkulam Excise Range which is now pending as C.P.No.44/2015), 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 in pursuance of execution of impugned warrant will 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/- ALEXANDER THOMAS, JUDGE