

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

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

Crl.MC.No. 5048 of 2015 ()

CP 29/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT -II,NEDUMANGAD

PETITIONERS/ACCUSED :

- 1. RASHID, AGED 25 YEARS,
S/O.RAHIM, ANR MANZIL, NETTAYIL,
NEDUMANGAD VILLAGE, THIRUVANANTHAPURAM**
- 2. THANZEER, AGED 31 YEARS,
S/O.ABDUL VAHAB, SUNITHA MANZIL, KOPPAM,
ARASUPARAMBU MURI, NEDUMANGAD VILLAGE,
THIRUVANANTHAPURAM**
- 3. SHAMEER.N., AGED 28 YEARS,
S/O.NAZARUDHEEN, KARIKUTTY PUTHEN VEEDU, VALICODE
NEDUMANGAD VILLAGE, THIRUVANANTHAPURAM**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN**

RESPONDENT/STATE :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682031
(CRIME NO.120/2013 OF NEDUMANGAD POLICE STATION,
THIRUVANANTHAPURAM NOW PENDING AS CP.NO.29/2015
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT II,
NEDUMANGAD)**

BY PUBLIC PROSECUTOR SRI. GITHESH R.

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

bp

ALEXANDER THOMAS, J.

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Crl.M.C.No. 5048 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-II,
Nedumangad, to recall the non-bailable warrant pending
against the petitioners in CP No.29/2015 and consider his
application for bail on the date of surrender itself.”

2. Heard Sri.S.Rajeev, learned counsel for the petitioners
and the learned Public Prosecutor appearing for the respondent.

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 petitioners voluntarily surrenders before the
Judicial First Class Magistrate Court-II, Nedumangad (dealing
with CP No.29/2015), 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 petitioners 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 petitioners in pursuance of execution of impugned warrant will be kept in abeyance for the time being. It is made clear that in case the petitioners do 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

MJL