

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

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

Crl.MC.No. 5050 of 2015

CC 765/2014 of ADDL.C.J.M.,THALASSERY

PETITIONER/ACCUSED 2 :-

**KHALID MUHAMMED, AGED 52 YEARS,
S/O.MUHAMMED, K.M. HOUSE, P.O. CHAMBAD,
THALASSERY.**

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

RESPONDENT/STATE :-

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682 031.
(CRIME NO. 21/2014 OF PANOOR POLICE STATION,
KANNUR DISTRICT)**

R BY SMT.S.HYMA, PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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P.UBAID, J.

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Crl.M.C.No.5050 of 2015

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Dated this the 6th day of August, 2015

ORDER

The petitioner herein is the accused No.2 in C.C.No.765 of 2014 of the Additional Chief Judicial Magistrate Court, Thalassery. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the learned Magistrate, he seeks orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to recall the warrant or to decide and dispose of his application for bail, without delay. Of course, the relief as sought by the petitioner cannot be granted by this Court under Section 482 of the Code of Criminal Procedure. The learned Magistrate, who has issued warrant of arrest for proper reasons, will have to consider the request to recall the warrant. It is for the learned Magistrate to decide whether bail could be granted to the petitioner. The petitioner will have to surrender before the learned Magistrate, and make application for bail. Anyway, let appropriate decision regarding bail be taken by the learned Magistrate. However, a direction can be made to consider and dispose of the

application for bail on the date of surrender itself.

2. It is submitted that the petitioner had already obtained pre-arrest bail, but he could not execute the bond in time. This will also be considered by the learned Magistrate in taking decision of the application for regular bail.

In the result, this petition is disposed of with a direction to the court below that in case the petitioner makes application for bail on surrender in C.C.No.765 of 2014 the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side.

Sd/-
P.UBAID
JUDGE

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P.A. TO JUDGE