

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

Crl.MC.No. 5126 of 2015 ()

**CC.NO. 56/2012 OF CHIEF JUDICIAL MAGISTRATE COURT (ECONOMIC OFFENCES),
ERNAKULAM**

CRIME NO. 540/2010 OF ERNAKULAM NORTH POLICE STATION, ERNAKULAM

PETITIONER/2ND ACCUSED :

**M.D JAVED HUSSAIN
S/O.ABDUL JABBAR, AGED 47 YEARS
MITHANPURA, OPP. FATHIMA MANZIL
NEW COLONY, MITHANPURA, RATWARA
RAMNA, MUZAFFARPUR, BIHAR.**

**BY ADVS.SRI.C.M.MOHAMMED IQUABAL
SMT.T.J.SEEMA**

RESPONDENT/STATE :

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

BY PUBLIC PROSECUTOR SRI. R. GITHESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 10-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

ALEXANDER THOMAS, J.

=====
Crl.M.C.No. 5126 of 2015

=====
Dated this the 10th 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 pass an order directing the Chief Judicial
Magistrate Court (Economic Offences), Ernakulam to
consider the bail application being filed by the petitioner
in C.C.No.56/2012 on its file and enlarge the petitioner on
bail on the date of his surrender itself.”

2. Heard Sri.C.M.Mohammed Iquabal, 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 Chief
Judicial Magistrate Court, (Economic Offences), Ernakulam
(dealing with C.C.No.56/2012 in Crime No.540/2010 of
Ernakulam North Police Station), 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

MJL