

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. 5163 of 2015 ()

**SC.NO. 1/2012 OF PRINCIPAL SESSIONS COURT, ALAPPUZHA
CRIME NO. 124/2009 OF ARTHUNGAL POLICE STATION, ALAPPUZHA**

PETITIONER/ACCUSED :

**MANOJ KUMAR @ KUTTAN
AGED 36 YEARS, S/O BALAKRISHNAN,
MANJU BHAVANAM, EAST OF K.B.C
KAVANAD P.O., SAKTHIKULANGARA VILLAGE
KOLLAM DISTRICT.**

BY ADV. SRI. P.V. DILEEP

RESPONDENT/COMPLAINANT :

**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 10-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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ALEXANDER THOMAS, J.

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Crl.M.C.No.5163 of 2015
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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 prayers:

- “i) Issue a direction to recall the non-bailable warrant against the petitioner in SC 1/2012 of the Principal Sessions Court, Alappuzha.
- ii) Issue a direction to the Principal Sessions Court Alappuzha to consider the petitioner's bail application on the date of surrender itself and also to consider his bail application in the light of Sukumari Vs State of Kerala (2001(1) KLT 22)
- iii) Issue such other order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. Heard Sri.Dileep P.V., 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 Principal Sessions Court, Alappuzha (dealing with SC No.1/2012 in Crime No.124/2009 of Arthunkal 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