

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

Crl.MC.No. 5208 of 2015 ()

CC.NO. 20/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KOTHATTUKULAM

PETITIONER/ACCUSED A1:

**VASU,S/O.AYYAR, AGED 64 YEARS,
SUNIL NIVAS HOUSE, PAMBRA KARA,
MANEED VILLAGE, MUVATTUPUZHA TALUK,
ERNAKULAM DISTRICT, KERALA-686 664.**

BY ADV. SRI.JOHN T.PAUL

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.GITHESH.R

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 5208 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX AI : CERTIFIED COPY OF THE FINAL REPORT IN CC NO.20 OF 2014 OF
THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE COURT,
KOOTHATTUKULAM.**

**ANNEX AII : CERTIFIED COPY OF THE 'B' DIARY PROCEEDINGS IN CC 20/2014 OF
THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE COURT,
KOOTHATTUKULAM.**

**ANNEX AIII : TRUE COPY OF THE MEDICAL CERTIFICATE OF THE PETITIONER
DATED 31-7-2015 ISSUED BY THE MEDICAL OFFICER OF CHC
MULANTHURUTHY.**

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Crl.M.C.No. 5208 of 2015

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Dated this the 11th 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 quash the order dated 27.5.2015 and restore
the bail to the petitioner in CC.20/2014 or direct the
Hon'ble Judicial First Class Magistrate Court,
Koothattukulam to continue the bail to the petitioner on
such terms and conditions that may deem fit and proper
for the interest of justice.”

2. Heard Sri.John T Paul, 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, Koothattukulam (dealing
with C.C.20/2014), 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