

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

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

Crl.MC.No. 5230 of 2015

CRIME NO. 1123/2015 OF FORT POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S)/ACCUSED :-

**SURESH T, AGED 49 YEARS,
S/O.THANKAPPAN, RESIDING AT TC 48/594(4), KOTTAPURAM,
AMBALATHARA, POONTHURA, MANACAUD VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.T.MADHU

RESPONDENT(S)/STATE:

**THE STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER,
FORT POLICE STATION,
THIRUVANANTHAPURAM DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

R BY SMT.S.HYMA, PUBLIC PROSECUTOR

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

rkj

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE-A1: THE TRUE COPY OF THE FIR IN CRIME NO.1123/2015 OF FORT
POLICE STATION, THIRUVANANTHAPURAM DISTRICT.**

**ANNEXURE-A2: THE TRUE COPY OF THE OUTPATIENT RECORD DATED 16.8.2010
ISSUED BY THE MEDICAL COLLEGE HOSPITAL,
THIRUVANANTHAPURAM.**

**ANNEXURE-A3: THE TRUE COPY OF THE LABORATORY REPORT DATED 11.6.2015
ISSUED BY THE ADVANCED CLINICAL AND RESEARCH
LABORATORY, THIRUVANANTHAPURAM.**

**ANNEXURE-A4: THE TRUE COPY OF THE RECEIPT DATED 28.5.2015 ISSUED BY THE
RESPONDENT TO THE PETITIONER.**

RESPONDENT(S)' ANNEXURES :- NIL

///TRUE COPY//

P.A.TO JUDGE

rkj

RUBAID, J.

Crl.M.C.No.5230 of 2015

Dated this the 10th day of August, 2015

ORDER

The petitioner herein is the accused in Crime No.1123 of 2015 of the Fort Police Station, Thiruvananthapuram. He now wants to surrender before the learned Magistrate having jurisdiction, but he apprehends that he will be remanded by the judicial custody before the learned Magistrate. So, he seeks a direction to the learned Magistrate to consider and dispose of the application on the date of filing itself. He also seeks a direction to enlarge him on bail. Such a direction cannot be made by this Court under Section 482 Cr.P.C. The petitioner will have to seek either pre-arrest bail, or regular bail under Section 437 Cr.P.C. To grant bail is within the jurisdiction of the learned Magistrate having jurisdiction. I do not think that the learned Magistrate will mechanically remand him to custody without examining the case of records. However, a direction can be granted to the learned Magistrate to dispose of the application on the date of surrender itself.

In the result, this Crl.M.C. is disposed of with a direction to the Court below that in case, application for bail is filed by the petitioner on

surrender or otherwise in Crime No.1123 of 2015 of the Fort Police Station or the same shall be judiciously considered and decided on the date of application itself, however with notice to the other side.

Sd/-
PUBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE