

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. 5234 of 2015 ()

**CP.NO. 67/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -III, PUNALUR
CRIME NO. 127/2011 OF PATHANAPURAM EXCISE RANGE , KOLLAM DISTRICT**

PETITIONER/ACCUSED:

**SOMARAJAN, AGED 55 YEARS,S/O.VASU,
CHARUVILA PUTHENVEETIL, PATHIRIKKAL,
PATHANAPURAM, KOLLAM DISTRICT.**

**BY ADVS.SRI.MANOJ RAMASWAMY
SMT.V.SREEJA**

RESPONDENT(S)/COMPLAINANTS:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 31.**
- 2. THE SUB INSPECTOR OF POLICE,
PATHANAPURAM RANGE, PUNALUR CIRCLE,
KOLLAM DISTRICT - 691 305.**

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:**

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Crl.MC.No. 5234 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX-A1: TRUE COPY OF THE FINAL REPORT IN O.R.NO.127 OF 2011 OF
PATHANAPURAM RANGE, PUNALUR IN C.P NO.67 OF 2014 OF
JUDICIAL FIRST CLASS MAGISTRATE COURT-III, PUNALUR.**

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

/TRUE COPY/

P.A.TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No.5234 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 direct the First Class Judicial Magistrate Court-III, Punalur to consider the bail application to be filed by the petitioner on the date of his surrender itself after recalling the warrant and pursuant proceedings in C.P.No.67 of 2014, and enlarge the petitioner on bail, so as to secure the ends of justice.”

2. Heard Sri.Manoj Ramaswamy, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondents.

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-III, Punalur (dealing with C.P.No.67 of 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