

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

Crl.MC.No. 5274 of 2015

**SC 362/2011 OF SESSIONS COURT, THIRUVANANTHAPURAM
CRIME NO. 54/2006 OF AMARAVILA EXCISE RANGE OFFICE , THIRUVANANTHAPURAM**

PETITIONER(S)/ACCUSED 1:

**RAJESH, AGED 35 YEARS,
S/O VISHWAMBRAN , THANCHANCOODE ELLUVILA VEEDU,
KUNATHUKAL, NAYYATTINKARA, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.SUMAN CHAKRAVARTHY
SMT.K.R.RIJA**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM 682 031.**

BY PUBLIC PROSECUTOR SRI.GITHESH. R.

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 12-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No. 5274 of 2015

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Dated this the 12th day of August, 2015

ORDER

The above captioned Crl.M.C. has been filed under Sec.482 of the Code of Criminal Procedure with the following prayers:

“..... to direct the Sessions Court, Thiruvananthapuram to dispose of the bail application to be filed by the petitioner in SC 362/2011 on the date of surrender itself notwithstanding the pendency of NBW.”

2. Heard Sri.Suman Chakarvarthy, 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 Sessions Court, Thiruvananthapuram, (dealing with S.C.No.362/2011 arising out of O.R.No.54/2006 of Aranmula Excise Range) 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 may 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 stand automatically 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/+

///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

