

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

Crl.MC.No. 5292 of 2015 ()

CC. NO.767/1998 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD.

.....

PETITIONER/ACCUSED:

**UMESH, AGED 43 YEARS,
S/O.ENATH RAMAN, AMBEDKAR COLONY,
ORUMANAYOOR VILLAGE, CHAVAKKAD TALUK,
THRISSUR, PIN: 680 512.**

BY ADV. SRI.GOKUL DAS V.V.H.

RESPONDENTS/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 13-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

Crl.MC.No. 5292 of 2015

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE I: TRUE COPY OF THE JUDGMENT IN CC NO.289/1996
 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
 CHAVAKKAD.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 5292 of 2015

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Dated this the 13th 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:

“..... to direct the learned Magistrate to consider the bail application of the petitioner in C.C.No. 767/1998 before the Judicial First Class Magistrate Court, Chavakkad and grant the same on the date of surrender itself.”

2. Heard Sri.Gokul Das, 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's Court, Chavakkad (dealing with C.C.No. 767/1998) within four 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 four 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.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

