

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

Crl.MC.No. 5328 of 2015 ()

CC. NO.162/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ALAPPUZHA.

PETITIONER/ACCUSED:

**P. SHYAMRAJU,
S/O.PADMANABHAN, ARJUNAM,
THIRUVAMBADI P.O., MULLAKKAL VILLAGE,
AMBALAPPUZHA TALUK, ALAPPUZHA.**

BY ADV. SRI.J.VIMAL.

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SHIBU, MANAGING PARTNER,
DELISH STEELS, KALAVOOR P.O.,
ALAPPUZHA DISTRICT-688 501.**

R1 BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

ALEXANDER THOMAS, J.

Crl.M.C.No.5328 Of 2015

Dated this the 17th day of August, 2015.

ORDER

This Criminal M.C. has been instituted under Section 482 of the Code of Criminal Procedure seeking the invocation of the inherent powers conferred on this Court with the following prayer.

“.....to issue direction to the learned Magistrate to release the petitioner on bail in C.C.No.162/2012 in the event of his surrender before the court and moving for bail or in alternative to direct the learned Magistrate to consider the bail application on merits on the same day of surrender itself and allow this Crl.M.C and also pass such consequential orders and directions in the facts and circumstances of the case and allow this Crl.M.C.”

2. Heard Sri.J.Vimal, the learned counsel for the petitioner and the learned Public Prosecutor appearing for the 1st respondent-State of Kerala.

3. After hearing both sides and taking into consideration the totality of the facts and circumstances of the case, it is ordered in the interest of justice that in case the petitioner voluntarily surrenders before the Judicial First Class Magistrate Court-II,

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Alappuzha dealing with C.C.No.162/2012 within a period of 4 weeks from the date of receipt of a copy of this order and makes necessary application for recall of the pending warrant as well as necessary application for grant of bail in the pending case (C.C.No.162/2012) then the jurisdictional Magistrate concerned is directed to consider such applications on the same day of surrender itself, in accordance with law, after taking into consideration the relevant aspects of the case. It is also ordered that the petitioner shall give advance notice to the prosecutor concerned appearing before the Magistrate Court concerned, on the above said applications and notifying the exact date and time of surrender before the said Court, at least 24 hours prior to such proposed surrender. It is further ordered in interest of justice that until orders are passed by the jurisdictional Magistrate concerned, further coercive steps initiated against the petitioner in execution of the impugned warrant, will be kept in abeyance. It is further made clear that in case the petitioner does not surrender before the jurisdictional Magistrate concerned, within aforesaid period, the

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aforementioned directions issued herein above will 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 this Crl.M.C. stand finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-