

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

CrI.MC.No. 5382 of 2015 ()

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CRIME NO.413/2015 OF INFO PARK POLICE STATION, KAKKANADU,
ERNAKULAM DISTRICT
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PETITIONER/ACCUSED-A3:

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AJAYAN, AGED 36 YEARS, SO VIJAYAN,
PAKKALAYAIL HOUSE, KUTTEMPEROOR MURI,
MANNAR VILLAGE, CHENGANNUR TALUK,
ALAPPUZHA DISTRICT.**

BY ADV. SRI.AJITH MURALI

RESPONDENT/COMPLAINANT:

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STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031**

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:**

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ALEXANDER THOMAS, J.

Crl.M.C.No.5382 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.

“i) To issue a direction to the Judicial First Class Magistrate Court, Kakkanad to consider the petitioner's bail application on the date of surrender itself and also release the petitioner on bail in the event of his surrender.”

2. Heard Sri.Ajith Murali, the learned counsel for the petitioner and the learned Public Prosecutor appearing for the 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, Kakkanad dealing with Crime No.413/2015 of Info Park Police Station within a period of two weeks from today and makes necessary application for recall of the pending warrant as well as necessary application for grant of bail in the

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pending case (Crime No.413/2015) 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 made clear that in case the petitioner does not surrender before the jurisdictional Magistrate concerned, within a period of two weeks from today, the 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/-