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. 5390 of 2015 ()

LP.NO. 139/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, PONNANI, MALAPPURAM DISTRICT

PETITIONER/ACCUSED :

SREEJESH P.,
S/O.SREEDHARAN, AGED 30 YEARS, SREENILAYAM,
PALLOOR.P.O., KONDAYOOR, DESAMANGALAM,
THRISSUR-679 532

BY ADV. SRI.K.V.ARUN KUMAR

RESPONDENT/COMPLAINANT :

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

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:

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ALEXANDER THOMAS, J.

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Crl.M.C No.5390 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:

> a. "to release the petitioner on bail on executing necessary bond in the event of his surrender with solvent sureties in L.P No.139/2014, considering and disposing his application for bail on the same day of its filing.
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> b. to issue any other order or directions appropriate in the circumstances of this case.

2. Heard Sri.K.V Arun Kumar, 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, Ponnani (dealing with L.P No.139/2014), within two weeks from today, and submits necessary application for recall of the warrant and application for grant of bail,

then the above said Magistrate's court 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 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/-

sab ALEXANDER THOMAS, JUDGE