

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

Crl.MC.No. 4423 of 2013 (C)

LP No. 49/2003 of J.M.F.C.-I, ALAPPUZHA

PETITIONER(S)/ACCUSED:

**V.G.GEORGE, AGED 50 YEARS,
S/O. V.A.GEORGE, MULACKAL HOUSE,
VALLAMANGALAM SOUTH P.O., THURAVOOR, CHERTHALA-688 532.**

**BY ADVS. SRI. C.V.MANUVILSAN
SRI. P.G.SURESH
SRI. G.SUDHEER (THURAVOOR)
SMT. K.VIDYA
SRI. RAJAN VISHNURAJ
SRI. V.HARISH**

RESPONDENT(S)/RESPONDENT/COMPLAINANT:

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SRI. N. SURESH

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 11-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

K.P. JYOTHINDRANATH, J.

Crl.M.C.No.4423 of 2013

Dated this the 11th day of August, 2015

ORDER

This is an application filed under Section 482 of the Code of Criminal Procedure.

2. When the petition came up for hearing, the counsel for the petitioner submitted before me that the petitioner is the accused in a complaint filed alleging offence under Section 138 of the Negotiable Instrument Act. It is the submission that the petitioner was originally granted bail by the concerned Court. Since the matter was practically settled, and under the impression that the complainant will withdraw the complaint, petitioner went to Meghalaya.

3. It is the further submission that now, when the petitioner came to the native place, came to know that a

non bailable warrant is pending against the petitioner and the Court now entered the case in the long pending register as LP.No. 49/2003. It is the submission that if the petitioner is arrested, there is every chance of denying the bail, as originally he was granted bail and it will appear that he was jumped the bail.

4. It is the further submission that the petitioner is a law abiding citizen and he had not appeared before the Court under the bona fide impression that the case might had withdrawn by the complainant.

6. The complainant is arrayed as the respondent herein and the Registry has recorded as service complete. No representation for the complainant.

5. I heard the Prosecutor. Considering the fact that the offence alleged is under Section 138 of the Negotiable Instrument Act, the following order passed:

The petitioner shall surrender before the Magistrate

within one month of this order. On such appearance if a bail application is moved, he shall be released on bail notwithstanding the fact that the matter is referred to long pending register. On such surrender and moving bail application the Court shall renumber the case and shall grant bail on usual conditions.

On the above terms this petition is allowed.

Sd/-

**K.P. JYOTHINDRANATH
JUDGE**