

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

Crl.MC.No. 5579 of 2015

**IN LPC 137/2009 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KASARAGOD
CRIME NO. 130/2008 OF KUMBLA POLICE STATION , KASARGOD**

PETITIONER(S)/ACCUSED NO.1:

**SHAMSUDDIN @ SHAMSU, AGED 32 YEARS,
S/O. ABDUL RAHIMAN, PERVAD HOUSE, KUMBALA,
KASARAGOD.**

BY ADV. SRI.S.JIJI

RESPONDENT(S)/STATE:

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

BY PUBLIC PROSECUTOR SMT.P.MAYA

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 20-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No. 5579 of 2015

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Dated this the 20th 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 Judicial First Class Magistrate-I, Kasaragod to enlarge the petitioner on bail or to dispose of the bail application filed by the petitioner in the above case on the same day itself taking into consideration his present situations in the event of his arrest or surrender in connection with L.P.C.No.137/2009 in the interest of justice.”

2. Heard Sri.Jiji.S 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 learned Judicial First Class Magistrate Court-I, Kasaragod (dealing with L.P.C.No.137/2009), within two 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 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 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.

Sd/-
ALEXANDER THOMAS, JUDGE

AVS