

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. 5581 of 2015 ()

CRIME NO. 365/2015 OF KUMBALA POLICE STATION , KASARAGOD DISTRICT

PETITIONER/ACCUSED:

**IBRAHIM, S/O.ABDULLA, AGED 30 YEARS,
RESIDING AT MOGRAL, MOGRAL POST,
KOIPADY VILLAGE, KUMBALA, KASARAGOD DISTRICT.**

BY ADV. SRI.T.MADHU

RESPONDENT/STATE:

**THE STATE OF KERALA
THROUGH THE STATION HOUSE OFFICER,
KUMBALA POLICE STATION, KASARAGOD DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT. P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

ALEXANDER THOMAS, J.

=====

Crl.M.C.No.5581 of 2015

=====

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's Court-I, Kasaragod to consider the bail application being filed by the Petitioner in Crime No.365/2015 of Kumbala Police Station, Kasaragod District keeping in mind the decision of the Hon'ble Supreme Court of India in Arnesh Kumar Vs. State of Bihar reported in 2014 (3) KLT 143 and enlarge the Petitioner on bail in the above case on the date of his surrender itself, on such conditions as deems fit and proper in the circumstances of the case, so as to secure the ends of justice.”

2. Heard Sri.T.Madhu, 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's Court-I, Kasaragod (dealing with crime No.365/2015 of Kumbala Police Station), within two weeks from today and submits necessary application for grant of bail, then the court below concerned shall consider the application for bail 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 direction 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, the Crl.M.C. stands finally disposed of.

Sd/-

ALEXANDER THOMAS, JUDGE

AVS