

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. 5665 of 2015 ()

**ST NO. 4390/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ALAPPUZHA
LP.NO. 15/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ALAPPUZHA**

PETITIONER/ACCUSED :

**P. SHYAMRAJU
S/O. PADMANABHAN
ARJUNAM, THIRUVAMBADI P.O.,
MULLAKKAL VILLAGE
AMBALAPPUZHA TALUK
ALAPPUZHA.**

BY ADV. SRI.J.VIMAL

RESPONDENTS/STATE & DEFACTO COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SHIBU
MANAGING PARTNER
DELISH STEELS
KALAVOOR P.O.,
ALAPPUZHA DISTRICT – 688 589.**

R1 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:**

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ALEXANDER THOMAS, J.

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Crl.M.C No.5665 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 issue direction to the learned Judicial First Class Magistrate Court-I, Alappuzha to release the petitioner on bail in S.T No.4390 of 2011 in the event of his surrender before the court and moving for bail or in alternative to direct the learned Magistrate to consider the bail application on merits on the same day of surrender itself and allow this Crl.M.C and also pass such consequential orders and directions in the facts and circumstances of the case and allow this Crl.M.C.”

2. Heard Sri.J. Vimal, 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 Court-I, Alappuzha, (dealing with S.T No.4390 of 2011), within four 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 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 four 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

