

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

Crl.MC.No. 5669 of 2015

C.P.NO.94/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, VARKALA

**CRIME NO. 855/2011 OF KADAKKAVOOR POLICE STATION,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER(S)/ACCUSED NO.2 :

**RAJESH, AGED 29 YEARS,
S/O.RADHAKRISHNAN, VILAYIL HOUSE, AZHOOR P.O.,
NEAR AZHOOR DEVI TEMPLE, AZHOOR VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.N.P.PRAJEESH

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT.P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 19-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 5669 of 2015

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Dated this the 19th 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 pass an order directing the Judl. First Class Magistrate Court, Varkala, to consider and pass orders on the application for bail to be submitted by the petitioner, on the date of filing the same itself and also to keep in abeyance the non-bailable warrant ordered against the petitioner till a time limit fixed by this Hon'ble Court for the petitioner's surrender before the court below in C.P.No. 94/2014, which is arisen in crime No.855/2011 of Kadakkavoor Police Station, by allowing this Crl.M.C.”

2. Heard Sri.N.P.Prajeesh, 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, Varkala (dealing with C.P.No.94/2014 arising out Crime No. 855/2011 of Kadakkavoor Police Station) 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 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 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.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

