

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. 5690 of 2015 ()

**LPC.NO. 15/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, HOSDRUG
CRIME NO. 446/2007 OF NILESHWAR POLICE STATION, KASARGOD DISTRICT**

PETITIONER/ACCUSED :

**V.BALACHANDRAN
AGED 48 YEARS, S/O.KRISHNAN,
RESIDING AT PULLUR, PULLUR VILLAGE
P.O. HARIPURAM**

BY ADV. SRI.T.K.VIPINDAS

RESPONDENT/STATE :

**THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTED SHO
NILESHWAR POLICE STATION – 671121.**

BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN

**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.5690 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:

- “i To issue a direction to the Judicial First Class Magistrate Court-II, Hosdurg to recall the non-bailable warrant issued against the petitioner in L.P.C No.15 of 2014 or any other renumbered proceedings arising from Crime No.446/2007 Nileshtar Police Station.
or in the alternative
- ii. To issue a direction to the Judicial First Class Magistrate Court-II, Hosdurg to consider the bail application to be filed by the petitioner on the date of surrender and pass appropriate orders on the same day and enlarge the petitioner with same set of sureties being offered for the cases before the Judicial First Class Magistrate's Court-II, Hosdurg in L.P.C No.15 of 2014 or any other renumbered proceedings arising from Crime No.446/2007 Nileshtar Police Station.
- iii. To keep in abeyance of execution of non-bailable warrant till such time this Hon'ble Court may be appropriate.”

2. Heard Sri.Vipindas.T.K, 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-II, Hosdurg (dealing with L.P.C No.15 of

2014), 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.

sab

ALEXANDER THOMAS, JUDGE

