

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. 5713 of 2015

**CP 69/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, PATHANAMTHITTA
CRIME NO. 183/2008 OF PATHANAMTHITTA POLICE STATION , PATHANAMTITTA**

PETITIONER/2ND ACCUSED:

**SHINAZ, AGED 26 YEARS,
S/O BASHEER, KIZHAKKEVEETIL HOUSE, THAYKKAVU MURI,
PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.K.N.RADHAKRISHNAN (THIRUVALLA)

RESPONDENT/STATE:

**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 20-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

ALEXANDER THOMAS, J.

=====

Crl.M.C.No. 5713 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 Judicial First Class Magistrate Court-I, Pathanamthitta to recall the warrant against the petitioner and to consider and dispose the application for bail of the petitioner that may file in C.P.No.69/2011, on the day of his surrender itself and to enlarge the petitioner on bail, for the ends of justice.”

2. Heard Sri.K.N.Radhakrishnan, 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, Pathanamthitta, (dealing with C.P.No.69/2011), within three 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 three 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/-
ALEXANDER THOMAS, JUDGE

AVS