

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. 5736 of 2015

CRIME NO. 734/2015 OF THALIPARAMBA POLICE STATION, KANNUR DISTRICT.
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PETITIONER/ACCUSED:

**PRASAD P.M, S/O.MOHANAN, AGED 32 YEARS,
MULLAPPALLY HOUSE, KURMATHUR AMSOM,
TALIPARAMBA TALUK, KANNUR.**

**BY ADVS.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH**

RESPONDENT(S)/STATE AND COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682031.**
- 2. THE STATION HOUSE OFFICER,
THALIPARAMBA POLICE STATION,
KANNUR DISTRICT, PIN-670 141.**

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:**

mbr/

Crl.MC.No. 5736 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1 : THE CERTIFIED COPY OF THE FIR NO.734/2015
 DATED 20-4-2015 OF THE TALIPARAMBA POLICE STATION.**

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No.5736 of 2015

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Dated this the 20th day of August, 2015

ORDER

Sri. Sunil Nair Palakkat, learned counsel for the petitioner submits that the leave may be granted to the petitioner to agitate the prayer No.1 for quashment of the impugned Anx.A-1 FIR, in appropriate proceedings at a later point of time. Accordingly in view of the submissions of the petitioner, liberty is so granted to the petitioner.

2. The limited prayers sought by the petitioner in this Crl.M.C are as follows:

- “ii)... ..direct the JFCM, Taliparamba to consider the petitioner's bail application on the date of surrendering by the petitioner.
- iii) Issue appropriate order or direction, as this Honorable Court may deem fit and proper from time to time for this petitioner to attain the ends of justice.”

3. Heard Sri.Sunil Nair Palakkat, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent-State of Kerala.

4. 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, Taliparamba, Kannur district, (dealing with Crime No.734/2015 of Taliparamba Police Station) within four 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 four 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