

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

Cr1.MC.No. 5768 of 2015

IN CC 653/2010 OF THE JUDICIAL FIRST CLASS MAGISTRAATE COURT,
THIRUVALLA

PETITIONERS/ACCUSED 1 TO 3:

1. ANEESH,
S/O SASI, MAMBARA HOUSE,
VALLAMKULAM KIZHAKKU, ERAVIPEROOR.
2. RAJESH
S/O.VIJAYAN, POYKAMANNIL HOUSE,
THOTTAPPUZHA COLONY,
ERAVIPEROOR
3. NIBU
S/O PADMANABHAN, MAMPARAMBIL HOUSE,
THOTTAPPUZHA KIZHAKKU MURI, ERAVIPEROOR

BY ADVS.SRI.T.P.PRADEEP
SRI.P.K.SATHEES KUMAR

RESPONDENT:

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

BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ab

P.UBAID, J.

Crl.M.C No.5768 of 2015

Dated this the 21st day of August, 2015

O R D E R

The petitioners herein are the three accused in C.C No.653/2010 of the Judicial First Class Magistrate Court, Thiruvalla. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the court below they seek orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to consider and dispose of their application for bail, on the date of surrender itself. The learned Magistrate, who has issued warrant of arrest for proper reasons, will have to consider the request. I do not think that the learned Magistrate will mechanically remand them to custody just because the police has incorporated Section 452 of IPC in the final report. It is for the learned Magistrate to decide whether bail could be granted to the petitioners. The petitioners will have to surrender before the learned Magistrate and make application for bail. They will have to explain the reason for their absence in court. Anyway, let

appropriate decision regarding bail be taken by the learned Magistrate. However, a direction can be made to consider and dispose of the application for bail on the date of surrender itself.

In the result, this petition is closed with direction to the court below that in case the petitioners make application for bail on surrender in C.C No.653/2010, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side. The petitioners are granted fifteen days time to surrender before the learned Magistrate. In the meantime, execution of the warrant of arrest will stand suspended.

**P.UBAID
JUDGE**

ab