

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

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

Crl.MC.No. 5857 of 2015 ()

**LP. NO. 38/2009 IN CP NO. 25/2009 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
PUNALUR**

PETITIONER/3RD ACCUSED :

**SUNIL
AGED 38 YEARS, S/O. LORENCE
RESIDING AT HOUSE OF CONTRACTOR CHANDRASEKHARAN
NEAR OTTAKKAL RAILWAY STATION
URUKUNNU MURI, THENMALA VILLAGE
KOLLAM DISTRICT.**

BY ADV. SRI.VINOY VARGHESE KALLUMOOTILL

RESPONDENTS/COMPLAINANTS/STATE :

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM – 682 031.**
- 2. THE SUB INSPECTOR
EROOR POLICE STATION
KOLLAM DISTRICT – 691 001.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. M.T. SHEEBA

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

Mn

RAJA VIJAYARAGHAVAN V, J.

Crl.M.C.No.5857 of 2015

Dated this the 21st day of August, 2015

O R D E R

Petitioner is the third accused in Crime No.246/2007 of Eroor Police Station registered under section 8(2) and 55(g) of the Abkari Act now pending as L.P.No.38/2009 on the files of the Judicial First Class Magistrate Court-I, Punalur. In this petition filed under section 482 of the Code of Criminal Procedure, the petitioner seeks a direction to the learned magistrate to recall the non bailable warrant pending as against the petitioner and consider the application for bail on the date of surrender itself.

2. After having heard the learned counsel for the petitioner as well as the learned Public Prosecutor and in view of the facts and circumstances of this case, this Criminal Miscellaneous Case is disposed of permitting the petitioner to surrender before the learned magistrate and

file an application for regular bail within a period of 2 weeks from today with advance notice to the Assistant Public Prosecutor. In case he does so, his bail application shall be considered and disposed of on merits preferably on the same day itself on which the petition is filed uninfluenced by the warrants if any as against him.

Sd/-
**RAJA VIJAYARAGHAVAN V,
JUDGE.**

Bb

[True copy]

P.A to Judge