

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 25TH DAY OF AUGUST 2015/3RD BHADRA, 1937

Crl.MC.No. 5869 of 2015

**CP 11/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ALUVA
CRIME NO. 575/2006 OF CHENGAMANAD POLICE STATION , ERNAKULAM**

PETITIONER(S)/ACCUSED NO.1:

**BIPU PAUL, AGED 33 YEARS,
S/O.GOPI, KOPPRAPURAKKAL HOUSE,
LIC COLLAGE P.O., ALUVA.**

BY ADV. SRI.M.VIVEK

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.R.RENJITH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 25-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K. ABRAHAM MATHEW, J.

Crl.M.C. No.5869 of 2015

Dated this the 25th day of August 2015

ORDER

Petition filed under Section 482 Cr.P.C.

2. Petitioner is the first accused in C.P. No.11 of 2015 on the file of the Judicial First Class Magistrate Court-I, Aluva. The allegation is that he along with the co-accused has committed the offences under Secs.120B, 395 and 412 read with Sec.34 of the Indian Penal Code. The learned Magistrate has issued a non bailable arrest warrant against the petitioner. His request is to allow him to surrender before the Magistrate and to direct the Magistrate to release him on bail immediately.

3. Heard both sides.

4. Learned counsel submits that the petitioner was granted bail during crime stage but, he did not appear in the committal proceedings because he was not served with summons and the allegation that he was absconding is wrong.

5. That may be true. This court cannot direct

the learned Magistrate to release the petitioner on bail immediately on his surrender. But, the learned Magistrate may take notice of the fact that he was released on bail during the crime stage and thereafter he was directed to appear only during the committal proceedings. It is made clear that if the facts justify it there is no legal impediment for the Magistrate to release the petitioner on bail on his surrender.

With the above observation, this Crl.M.C. is disposed of.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

NS

P.A. To Judge