

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

Crl.MC.No. 5924 of 2015 ()

CRIME NO. 164/1998 OF BEDAKOM POLICE STATION , KASARGOD

**CRL.M.P. NO. 1392 OF 2005 IN S.C.NO.430 OF 2000 OF ADDL. SESSIONS JUDGE
(AD HOC)-I, KASARAGOD**

PETITIONER/6TH ACCUSED:

**JAYARAMAN NAMBIAR, AGED 39 YEARS,
S/O.K.P.KUMARAN, CHOORITHODU, MANADUKKA P.O.,
BANDADUKA VILLAGE, KASARGOD TALUK.**

BY ADV. SRI.BINDU SREEKUMAR

RESPONDENT/STATE AND COMPLAINANT:

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

R BY PUBLIC PROSECUTOR: SMT. P. SAREENA GEORGE.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 09-09-
2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 5924 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-A: COPY OF THE ORDER DATED 21.6.2015 IN CRL.M.P 1392/2005 IN S.C.
430/2000**

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

PA TO JUDGE

skr

SUNIL THOMAS, J.

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Crl.M.C.No. 5924 of 2015

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Dated this the 9th day of September, 2015

ORDER

The petitioner is the 6th accused in crime No. 164 of 1998 of Bedakam Police Station, for offences punishable under Section 143, 147, 148, 448, 353, 506(ii) and 307 r/w 149 IPC.

2. Pending the proceedings, the accused remained absent and hence non bailable warrant was issued by the court below. Contending that the petitioner had been in Gulf and hence he did not personally receive the summons issued by the court below, he had approached this court. He apprehends that if he surrenders, he may be remanded till his bail application is considered.

3. It is seen that, pending proceedings before the court below, the prosecutor filed an application under Section 319 Cr.P.C. and summons was issued to 2 other persons. They had approached this court in Crl.R.P.No.2603 of 2015 and stay of the proceedings have been granted. The

petitioner herein seeks permission to surrender with the direction to the concerned court to consider his bail application notwithstanding the stay of proceedings.

4. Heard the learned counsel for the petitioner and the Public Prosecutor.

5. Having regard to the facts submitted and the attending circumstances, I feel that the request made by the petitioner appears to be genuine. The interest of justice will be served if Crl.M.C is disposed with direction. Hence in the eventuality of the petitioner surrendering before learned Assistant Sessions Judge – 1, Kasargode, and an application for bail is moved, with notice to the Public Prosecutor, the court below shall consider the bail application on the same day, notwithstanding the stay granted by this court, untrammelled by any of observations made above.

Sd/-
SUNIL THOMAS,
JUDGE.