

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

Crl.MC.No. 6232 of 2015 ()

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CC 1936/2008 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ALUVA
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PETITIONERS/ACCUSED:

- 1. ALI HAMEED, AGED 45 YEARS
S/O. KOYAKUTTY THANGAL
PUTHEN MALIAKKAL, KEEYHMAD, ALUVA**
- 2. POOKUNJUKOYA, AGED 57 YEARS
S/O. KOYAKUTTY THANGAL
PUTHEN MALIAKKAL, KEEYHMAD, ALUVA**
- 3. NAZEEBA KOYA, AGED 54 YEARS
S/O. KOYAKUTTY THANGAL
PUTHEN MALIAKKAL, KEEYHMAD, ALUVA**
- 4. RASHEEDA BEEVI, AGED 49 YEARS
W/O. IQBAL, MALAYANKAD, ALUVA**
- 5. AYSHA, AGED 81 YEARS, W/O. KOYAKUTTY THANGAL
W/O. KOYAKUTTY THANGAL
PUTHEN MALIAKKAL, KEEYHMAD, ALUVA**

BY ADV. SRI.MANSOOR.B.H.

RESPONDENTS/STATE/COMPLAINANT:

- 1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, REPRESENTING
THROUGH STATION HOUSE OFFICER
ALUVA POLICE STATION, ERNAKULAM-682314**

BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 17-09-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CRL.M.C.6232/2015

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A CERTIFIED COPY OF THE PROCEEDING IN C.C.1936/2008 OF JUDICIAL
FIRST CLASS MAGISTRATES COURT-I, ALUVA**

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6232 of 2015

Dated this the 17th day of September, 2015

O R D E R

The petitioners herein are the accused in C.C.No.1936/2008 of the Judicial First Class Magistrate Court-I, Aluva. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the trial court they seek orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to consider the request for bail on the date of surrender and not to remand them. The relief as sought by the petitioners cannot be granted by this Court under Section 482 of the Code of Criminal Procedure. The learned Magistrate, who has issued warrant of arrest for proper reasons, will have to consider the request for bail. 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. I do not

think that the learned Magistrate will mechanically remand the petitioners to custody. Their grievance that they had promptly instructed the counsel to make application on the date and that application was also accordingly made by the learned counsel, will have to be considered by the court in taking decision on the application for bail. If the petitioners have proper explanation, the question of granting bail on appropriate conditions can be thought of by the learned Magistrate.

In the result, this petition is disposed of with direction to the court below that in case the petitioners make application for bail on surrender in C.C.No.1936/2008, the same shall be judiciously considered and decided, on the date of surrender itself.

Sd/-

P. UBAID, JUDGE

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