

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

Crl.MC.No. 6331 of 2015 ()

**CC.NO. 514/2014 OF CHIEF JUDICIAL MAGISTRATE COURT, KASARAGOD
CRIME NO. 184/2014 OF KASARAGOD POLICE STATION, KASARAGOD DISTRICT**

PETITIONER/ACCUSED :

**S. MANIKANDAN
AGED 37 YEARS, S/O. SASIVARNAM
HOUSE NO. 5/86, WEST STREET
THIRUMANIKKAM VILLAGE
MADURAI DISTRICT.**

BY ADV. SRI.T.B.SHAJIMON

RESPONDENT/COMPLAINANT :

**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 23-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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K.RAMAKRISHNAN, J.

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Crl.M.C.No.6331 OF 2015

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Dated this the 23rd day of September, 2015

ORDER

This is an application filed by the accused in CC No.514/2014 on the file of the Chief Judicial Magistrate Court, Kasaragod for issuing direction to dispose of the bail application on the date of filing itself under Section 482 of Code of Criminal Procedure (hereinafter referred to as the Code).

2. It is alleged in the petition that the petitioner is the sole accused in CC No.514/2014 pending before the Chief Judicial Magistrate Court, Kasaragod which arose out of the Crime No.184/2014 of the Kasaragod Police Station alleging offences under Section 406 and 420 of the Code. Now non-bailable warrant is pending against him. He apprehends that if the application is filed for bail on

surrender, he will be remanded without considering his bail application. So the petitioner has no other remedy except to approach this court seeking the following relief:-

“Direct the Hon'ble Chief Judicial Magistrate Court Kasaragod to consider the bail application C.C.No.514/2014 before the Chief Judicial Magistrate Court at Kasaragod. Which would be filed by the petitioners, on the date of filing of the application itself”.

3. Considering the nature of the relief claimed this court feels that the petition can be disposed of after hearing the counsel for the petitioner and Learned Public Prosecutor Smt. Sereena George. The apprehension of the petitioner is that if he surrenders he will be remanded without considering his bail application. The application is opposed by the Public Prosecutor.

4. It is an admitted fact that the petitioner is an accused in CC 514/2014 on the file of the Chief Judicial Magistrate Court, Kasaragod. Since the petitioner did not appear, non-bailable warrant is pending against him. The

apprehension of the petitioner that if he surrenders and moves for regular bail, he will be remanded to custody without considering his bail application is without any basis, as this court has in earlier cases of similar nature observed that the Presiding Officers of the criminal courts are duty bound to consider and dispose of the bail applications if any filed on surrender as far as possible on the date of surrender itself. In fact there is no necessity to issue any direction as such as claimed. However, considering the apprehension raised by the counsel for the petitioner, this court feels that the petition can be disposed of as follows:-

If the petitioner surrenders before the Chief Judicial Magistrate Court, Kasaragod and moves for recalling the warrant and release him on bail in C.C.No.514/2014 pending before that court, then the learned Chief Judicial Magistrate is directed to consider and dispose of that application as far as possible on the date of filing the

application itself after hearing the Deputy Director of Prosecution of that court in accordance with law.

With the above directions and observations the petition is disposed of.

Sd/-

K.RAMAKRISHNAN, JUDGE

SKV