

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

Crl.MC.No. 6641 of 2015

**SC 465/2014 OF ADDITIONAL DISTRICT AND SESSIONS COURT (VIOLENCE AGAINST
WOMEN & CHILDREN), ERNAKULAM**

CRIME NO.300/2013 OF E.T. SOUTH POLICE STATION, ERNAKULAM

PETITIONER/ACCUSED :-

**MUTHU, S/O.CHINNAYAN, AGED 27 YEARS,
ARIYAMANKAL, THANJAVOOR DISTRICT,
TAMIL NADU.**

BY ADV. SRI.JOSE P.JOSEPH

RESPONDENT/COMPLAINANT :-

**SUB INSPECTOR OF KERALA,
E.T. SOUTH POLICE STATION,
REPRESENTED BY STATE OF KERALA,
REP.BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.**

R BY SMT.SHEEBA M.T., PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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P.UBAID, J.

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Crl.M.C.No.6641 of 2015
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Dated this the 12th day of October, 2015

ORDER

The petitioner herein is the sole accused in S.C.No.465 of 2014 of the Special Additional District and Sessions Court, Ernakulam. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the trial court he seeks orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to decide, and dispose of his application for bail, without delay. The trial judge, who has issued warrant of arrest for proper reasons, will have to consider the request to recall the warrant. It is for the trial court to decide whether bail could be granted to the petitioner. The petitioner will have to surrender before the trial court and make application for bail. He will have to explain the reason for his absence in court. Anyway, let appropriate decision regarding bail be taken by the learned trial judge. However, a direction can be made to consider and

dispose of the application for bail on the date of surrender itself.

In the result, this petition is disposed of with direction to the court below, that in case the petitioner makes application for bail on surrender in S.C.No.465 of 2014 the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side. The petitioner is granted time for seven days to surrender before the Court below, and make application for bail.

Sd/-

**P.UBAID
JUDGE**

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P.A. TO JUDGE