

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

Crl.MC.No. 6862 of 2015

CC 47/2010 OF CHIEF JUDICIAL MAGISTRATE COURT, KOTTAYAM

CRIME NO. 531/2010 OF KOTTAYAM EAST POLICE STATION, KOTTAYAM

PETITIONER(S)/ACCUSED 1 & 2 :-

- 1. RATHEESH, AGED 37 YEARS,
S/O.YASODHARAN, 'SNEHALAYAM',
VATTIPRAM, MANGATTIDAM (POST),
KANNUR (DISTRICT).**
- 2. SMITHA, AGED 31 YEARS,
W/O.RATHEESH, AGED 37 YEARS,
'SNEHALAYAM',
VATTIPRAM, MANGATTIDAM (POST),
KANNUR (DISTRICT).**

**BY ADVS.SRI.E.C.BINEESH
SMT.M.B.SHYNI**

RESPONDENT/COMPLAINANT :-

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

R BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 26-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 :- A TRUE COPY OF THE FINAL REPORT IN CRIME NO.531/2010 OF
KOTTAYAM EAST POLICE STATION, KOTTAYAM DISTRICT DATED
09.09.2010.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.6862 of 2015
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Dated this the 26th day of October, 2015

ORDER

The petitioners herein are the two accused in LP No.8 of 2013(CC No.47 of 2010) of the Chief Judicial Magistrate Court, Kottayam. 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 decide and dispose of their application for bail, without delay. The learned Magistrate, 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 petitioners. The petitioners will have to surrender before the trial court, and make application for bail. They will have to explain the reason for their absence in Court. When such satisfactory explanation is there, the question of

releasing them on bail on appropriate conditions can be thought of by the learned Magistrate. 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 closed with direction to the court below that in case the petitioners make application for bail on surrender in LP No.8 of 2013(CC No.47 of 2010), the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side.

rkj

Sd/-
P.UBAID
JUDGE

//TRUE COPY//

P.A. TO JUDGE