

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937Q

Crl.MC.No. 7501 of 2015 ()

**FOR DIRECTION IN LP 29/2009 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II,
KOTTARAKKARA IN CRIME NO. 273/2006 OF KADAKKAL POLICE STATION , KOLLAM**

PETITIONER/ACCUSED:

**SHYJU AGED 37 YEARS
S/O.PRASANNAN, NELLIKUNNIL VEEDU, MUTHAYIL
MANCODU PO, KOLLAM DISTRICT.**

**BY ADVS.SRI.K.SIJU
SMT.S.SEETHA**

RESPONDENT/STATE:

**STATE OF KERALA
THROUGH SUB INSPECTOR OF POLICE
KADAKKAL POLICE STTION REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA AT ERNAKULAM.**

BY SRI JUSTIN JACOB, PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30-11-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

JV

P. UBAID, J.

Crl.M.C.No.7501 of 2015

Dated this the 30th day of November, 2015

O R D E R

The petitioner is the accused in L.P.No.29/2009 of the Judicial First Class Magistrate Court-II, Kottarakkara. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued by the learned Magistrate, he seeks orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to recall the warrant and to consider his bail application, 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 learned Magistrate 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 Magistrate. 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 L.P.No.29/2009, the same shall be judiciously considered and decided, on the date of surrender itself.

Sd/-

P. UBAID, JUDGE

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P.A. to Judge