

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

Cr1.M.C.No. 7811 of 2015

SC 398/2015 OF ADDL.DISTRICT & SESSIONS COURT (VIOLENCE
AGAINST WOMEN & CHILDREN)

CRIME NO. 560/2015 OF MUVATTUPUZHA POLICE STATION, ERNAKULAM

PETITIONER(S)/ACCUSED :-

BILAL, AGED 19 YEARS,
S/O.LATE ALIYAR, NIRAPPARA HOUSE,
MULAVOOR, MUVATTUPUZHA,
ERNAKULAM DISTRICT.

BY ADVS.SRI.SALIM V.S.
SRI.H.NUJUMUDEEN

RESPONDENT(S)/COMPLAINANTS :-

STATE OF KERALA,
THROUGH SUB INSPECTOR OF POLICE,
MUVATTUPUZHA POLICE STATION,
ERNAKULAM DISTRICT, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, PIN-682031.

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

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rkj

Crl.M.C.No. 7811 of 2015

APPENDIX

PETITIONER(S) ' ANNEXURES :-

ANNEXURE A1 : TRUE COPY OF THE FIR IN CRIME 560/2015 OF
MUVAATTUPUZHA POLICE STATION.

RESPONDENT(S) ' ANNEXURES :- NIL

//TRUE COPY//

P.A.TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7811 of 2015
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Dated this the 15th day of December, 2015

ORDER

The petitioner herein is the sole accused in S.C.No.398 of 2015 of the Additional (Special) 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 recall the warrant, and to decide and dispose of his application for bail, without delay. Of course, the main relief as sought by the petitioner cannot be granted by this Court under Section 482 of the Code of Criminal Procedure. The learned 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. When such satisfactory explanation is there, the question of releasing him on bail on appropriate conditions can be thought of by the learned trial Judge. 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.398 of 2015, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side.

Sd/-

**P.UBAID
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE