

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.UBAID

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

Crl.MC.No.6745 of 2014

**LP NO.36/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
SASTHAMCOTTA,KOLLAM.
CRIME NO.27/2011 OF SASTHAMCOTTA POLICE STATION,KOLLAM.**

..

PETITIONER:

**SARASAMMA,AGED 62 YEARS,D/O.LAKSHMIKUTTY,
PALLATHU KIZHAKKATHIL,MAYNAGAPALLY VILLAGE,
KOVOOR, KOLLAM.**

BY ADV.SRI.AJAYA KUMAR. G

RESPONDENT:

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

BY PUBLIC PROSECUTOR SRI.P.K.ABDUL RAHMAN.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

Crl.MC.No.6745 of 2014

APPENDIX

PETITIONER'S EXHIBITS:

**ANNEXURE A1:TRUE COPY OF THE FIR IN CRIME NO.27/2011 OF
SASTHAMKOTTA POLICE STATION.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P.UBAID, J.
~~~~~  
**Crl.M.C No.6745 of 2014**  
~~~~~  
Dated this the 5th May, 2015

ORDER

The petitioner herein is the accused in L.P. No.36 of 2012 of the Judicial First Class Magistrate's Court, Sasthamkotta. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the trial court, she 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 her application for bail on the date of surrender itself. 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 court below 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. 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.36 of 2012, 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 ten days time to surrender before the court below. During this period, execution of the warrant of arrest will stand suspended.

**P.UBAID
JUDGE**

ma