

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

Cr1.MC.No. 7961 of 2015

C.C NO.553/2007 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT II, ERNAKULAM (NOW PENDING AS I.P. NO.37/2015)
CRIME NO.294/2007 OF ERNAKULAM CENTRAL POLICE STATION,
ERNAKULAM

PETITIONER/ACCUSED:

SHAJI, AGED 40 YEARS,
S/O.BALAKRISHNAN NAIR,
MUNDAKKAL HOUSE,
VADAYAMBAD P.O,
PUTHENCRUZ,
ERNAKULAM DISTRICT.

BY ADV. SRI.IEANS.C.CHAMAKKALA

RESPONDENT/RESPONDENT:

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

BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 22-12-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

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P.UBAID, J.

Crl.M.C No.7961 of 2015

Dated this the 22nd day of December, 2015

O R D E R

The petitioner herein is the accused in C.C No.553/2007 of the Judicial First Class Magistrate Court II, Ernakulam which stands transferred to the register of long pending cases as L.P No.37/2015. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the court below he seeks orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to release him on 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 for bail. It is for the learned Magistrate to decide whether bail could be granted to the petitioner. The petitioner will have to surrender before the learned Magistrate 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. The petitioner's grievance that he had not received any summons from the court will have to be considered by the court below.

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 C.C No.553/2007 (now pending as L.P No.37/2015) 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**

//True Copy//

P.A to Judge

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