

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 29TH DAY OF DECEMBER 2015/8TH POUSHA, 1937

Cr1.MC.No. 8053 of 2015 ()

CC 962/2005 of J.M.F.C.-II, ERNAKULAM
LP 106/2014 of J.M.F.C.-II, ERNAKULAM
CRIME NO.703/2005 OF ERNAKULAM CENTRAL POLICE STATION, ERNAKULAM

PETITIONER(S)/ACCUSED NO.1:

JAYAN K.M., AGED 47 YEARS
S/O.LATE MANICKAN, KANDANCHIRAYIL HOUSE,
IRAPURAM NEAR GANAPATHI TEMPLE
MANNOOR ERNAKULAM DISTRICT.

BY ADV. SRI.VINUCHAND

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA,
REP.BY S.I. OF POLICE,
CENTRAL POLICE STATION, ERNAKULAM
REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, COCHIN-31.

BY PUBLIC PROSECUTOR SRI.GITHESH R.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
29-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ami/

P.UBAID, J.

Crl.M.C.No.8053 of 2015

Dated this the 29th day of December, 2015.

O R D E R

The petitioner herein is the 1st accused in C.C.No. 962/05 of Judicial First Class Magistrate court-II, Ernakulam. On the apprehension of arrest and remand to judicial custody, in a case involving bailable offences under Sections 341, 323 and 294(b) r/w Section 34 of IPC, the petitioner seeks a direction to the court below to release him on bail on surrender. Such an order cannot be passed by this Court under Section 482 of Cr.P.C. The petitioner will have to surrender before the learned Magistrate and seek regular bail. I do not think that the learned Magistrate will mechanically remand him to custody when the offences are bailable. Of course, in view of his previous absence, the learned Magistrate can think of imposing certain justifiable and reasonable conditions.

With these observations, this Crl.M.C. is disposed of. The petitioner is granted time for seven days to surrender before the learned Magistrate. In the meantime, execution of the warrant of arrest will stand suspended.

Sd/-

**P.UBAID,
Judge.**

ami/

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P.A. to Judge