

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. 8087 of 2015

IN ST 169/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT-IV, NEYYATTINKARA

PETITIONER/ACCUSED:

VIJAYAKUMARI, AGED 40 YEARS,
D/O.SAROJINI AMMA, KANNER PUTHEN VEEDU,
KANICHAMCODE,
RAILWAY STATION ROAD, NEYYATTINKARA.

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS/STATE & COMPLAINANT:

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. VISWANATHAN NAIR
S/O.GOPINATHAN NAIR,
RESIDING AT SARASWATHI VILASOM PUTHEN VEETIL
KANICHAMCODE, MARUTHATHOOR, NEYYATTINKARA
695121.

R1 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:

Cr1.MC.No. 8087 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-I: COPY OF COMPLAINT DATED 20.6.2013 IN
S.T.NO.169/2014 ON THE FILE OF JFMC-IV, NEYYATTINKARA.

ANNEXURE-II: COPY OF APPLICATION DATED 25.11.2015 TO
REOPEN THE EVIDENCE BY THE PRESENT COUNSEL.

ANNEXURE-III: COPY OF APPLICATION DATED 26.12.2015 TO
RECALL THE NON-BAILABLE WARRANT AND GRANT BAIL.

RESPONDENTS) ' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.8087 of 2015

Dated this the 29th day of December, 2015

O R D E R

The petitioner herein is the accused in S.T No.169/2014 of the Judicial First Class Magistrate Court IV, Neyyattinkara. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the court below 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 decide and dispose of 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 learned Magistrate to decide whether bail could be granted to the petitioner. The offence alleged being bailable under the law, I do not think that the learned Magistrate will mechanically remand the petitioner to judicial custody. The petitioner will have to surrender before the learned Magistrate and make application for bail. She will have to explain the reason for her 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 S.T No.169/2014, the same shall be judiciously considered and decided, on the date of surrender itself. The petitioner is granted time for one week to surrender before the learned Magistrate. In the meantime, execution of the warrant of arrest will stand suspended.

**Sd/-
P.UBAID
JUDGE**

//True Copy//

P.A to Judge

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