

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

Crl.MC.No. 8099 of 2015 ()

**CP 35/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT, THIRUVALLA
CRIME NO. 1845/2015 OF THIRUVALLA POLICE STATION, PATHANAMTITTA DISTRICT**
=====

PETITIONER/SOLE ACCUSED:

**RADHAKRISHNAN, AGED 46 YEARS
S/O.UNNIKRISHNA PILLAI
VAZHAYIL PUTHENPURACKEL HOUSE
POTTANMALA, KUTTOOR.**

**BY ADVS.SRI.ARUN.B.VARGHESE
SRI.JAYKAR.K.S.
SMT.M.B.DHANYA BABU**

RESPONDENTS/COMPLAINANT & STATE:

**1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.682 031.**

**2. THE SUB INSPECTOR OF POLICE
THIRUVALLA POLICE STATION
PATHANAMTHITTA DISTRICT.689 645.**

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:**

SD

P. UBAID, J.

Crl.M.C.No.8099 of 2015

Dated this the 29th day of December, 2015

O R D E R

The petitioner herein is the accused in C.P.No.35/2015 of the Judicial First Class Magistrate Court, Thiruvalla. 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 decide and dispose of his application for bail, without delay. The learned Magistrate, who has issued warrant of arrest for proper reasons, will have to consider the application 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 trial court 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.

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.P.No.35/2015, the same shall be judiciously considered and decided, on the date of surrender itself.

Sd/-
P. UBAID, JUDGE

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// True Copy // P.A. to Judge