

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

Crl.MC.No. 7369 of 2014

LPC 13/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KUNNAMANGALAM
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PETITIONER(S)/ACCUSED:

**KASIM, AGED 53 YEARS,
S/O.ABOOBACKER, U.K.HOUSE, RAILWAY STATION ROAD,
PAPPINISSERI P.O., PAPPINISSERI AMSOM,
KANNUR DISTRICT.**

**BY ADVS.SRI.V.A.SATHEESH
SRI. S. MAMMU
SRI.V.T.MADHAVANUNNI**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM,
THROUGH CBCID SIG III, KOZHIKODE,
KOZHIKODE DISTRICT - 637 016.**

BY PUBLIC PROSECUTOR SMT.P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
11-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 7369 of 2014

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1:TRUE COPY OF THE ORDER IN SC.NO.596/2010 OF ADDITIONAL
SESSIONS COURT, KOZHIKODE DIVISION DTD.19.8.2011.**

**ANNEXURE A2:TRUE COPY OF THE ORDER IN CRL.M.C.NO.2666/2013 OF THIS
HON'BLE COURT DATED 31.10.2013.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P. UBAID, J.

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Crl.M.C. No.7369 of 2014

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Dated this the 11th day of February, 2015

ORDER

The petitioner herein is the 1st accused in Crime No.275/2006 of CBCID, Kozhikode, now pending in committal proceedings before the J.F.C.M-I, Kunnamangalam. Finding that the presence of the petitioner could not be procured in the near future, the learned Magistrate transferred the case to the Register of Long Pending cases, and it is now pending as L.P.C.No.13/2011. Now there is warrant of arrest against the petitioner. He apprehends arrest, even at the airport, in execution of the warrant of arrest. He seeks a direction from this Court under Section 482 Cr.P.C. to the police not to arrest him for a period of seven days, so that he can approach the learned Magistrate and make application for bail within the said period of seven days.

2. Of course, a direction, as sought by the petitioner, cannot be granted by this Court under Section 482 Cr.P.C. If there is a warrant of arrest, he will definitely be arrested by the

police, because court order will have to be executed. However, a direction can be given to the court below to consider and dispose of the bail application on the date of surrender or arrest itself.

In the result, this Crl.M.C. is disposed of with a direction to the court below that in case the petitioner makes application for bail on surrender in Crime No.13/2011, or on production by the police in execution of the warrant of arrest, the same shall be judiciously considered, and appropriate decision regarding bail shall be taken, on the date of production/surrender itself.

P. UBAID, JUDGE

sj