

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

Crl.MC.No. 7399 of 2014

IN SC 515/2011 of ADDL.SESIONS COURT (FAST TRACK-II), MANJERI

IN CP 83/2011 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
TIRUR

CRIME NO. 814/2010 OF TIRUR POLICE STATION, MALAPPURAM

PETITIONER/12TH ACCUSED:

C.K.P.SIDHEEK, AGED 42 YEARS,
S/O.HAMEED, CHERIYA KOYAMINTE PURAKKAL HOUSE,
VETTAM P.O, PARAVANNA, TIRUR TALUK,
MALAPPURAM DISTRICT

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 7399 of 2014

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A-1: COPY OF THE CHARGE SHEET IN CRIME NO 814/2010 LAID
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, TIRUR

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7399 of 2014

Dated this the 22nd day of January, 2015

O R D E R

The petitioner herein is the 12th accused in Crime No.814/2010 of Tirur Police Station. His case was split up in committal court, and it is now pending as C.P No.83/2011 before the Judicial First Class Magistrate Court, Tirur.

2. 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 recall the warrant and to release him on bail or to decide and dispose of his application for bail, without delay. Of course, the relief as sought by the petitioner cannot be granted by this Court under Section 482 of the Code of Criminal Procedure. 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 court below to decide whether bail could be granted to the petitioner. Of course, 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 and he will have to explain the circumstances in which the warrant happened to be issued. When such satisfactory explanation is there, the question of releasing him on bail on appropriate conditions can be thought of by the learned Magistrate. 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 closed with direction to the court below that in case the petitioner makes application for bail on surrender in C.P No.83/2011, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side. The petitioner is given time for ten days to surrender before the learned Magistrate. In the meantime execution of warrant of arrest will stand suspended.

**P.UBAID
JUDGE**

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