

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

OP(Crl.).No. 93 of 2015 (Q)

CC.NO. 43/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-VII, ERNAKULAM

ORIGINAL PETITIONER(S)/ACCUSED :

1. M/S.BAYLAND VACATIONS PVT LTD., G-289,
IST FLOOR, MAIN AVENUE, PANAMPILLY NAGAR,
KOCHI-682 036, REP. BY ITS MANAGING DIRECTOR
MR. PRAKASH KUMAR.
2. MR. PRAKASH KUMAR,
S/O.JANARDANAN PILLAI, AGED 50 YEARS,
MANAGING DIRECTOR, M/S. BAYLAND VACATIONS PVT LTD.,
G-289, 1ST FLOOR, MAIN AVENUE, PANAMPILLY NAGAR,
KOCHI-682 0376

**BY ADVS.SRI.JOY THATTIL ITTOOP
SRI.A.G.ADITYA SHENOY**

RESPONDENT(S)/DEFACTO COMPLAINANT :

1. M/S.SPEED WINGS TRAVELS AND CARGO (P) LTD.,
RAVIPURAM, KOCHI-682 016, REP. BY ITS LAISON OFFICER,
MR. SEBASTIAN.K.A.
2. THE STATION HOUSE OFFICER,
HARBOUR POLICE STATION, WILLINGTON ISLAND,
KOCHI-682 012
3. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR.

R2 & R3 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 19-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

OP(Crl.).No. 93 of 2015 (Q)

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE PETITION TO CONDONE THE DELAY BEARING
C.M.P.NO.3975/2008 ON THE FILES OF THE HON'BLE ADDITIONAL CHIEF
JUDICIAL MAGISTRATE COURT, ERNAKULAM.
- P2 COPY OF THE PETITION FILED BY THE COUNSEL FOR THE PETITIONERS
DATED 18/03/2015

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

P.UBAID, J.

O.P(Crl.) No. 93 of 2015

Dated this the 19th day of March, 2015.

J U D G M E N T

The petitioners herein are the accused in C.C No.43 of 2012 of the Judicial First Class Magistrate Court-VII, Ernakulam. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the trial court they seek orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to recall the warrant and to release them on bail. 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 petitioners will have to surrender before the court below and make application for bail. 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. It is submitted that they could not make prompt appearance

only because this was by the time transferred from the court where it was filed. This fact will have to be considered by the trial court.

In the result, this petition is closed with direction to the court below that in case the petitioners make application for bail on surrender in C.C No.43 of 2012, the same shall be judiciously considered and decided, on the date of surrender itself.

Sd/-

P.UBAID,
JUDGE

sab