

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 31ST JULY 2006 / 9TH SRAVANA 1928

Bail Appl..No. 4592 of 2006

(CRIME NO.767/1999 OF CENTRAL POLICE STATION, ERNAKULAM)
C.C. 225/2003 OF CHIEF JUDICIAL MAGISTRATE, ERNAKULAM
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PETITIONER

STENCY, AGED 41 YEARS,S/O.MATHEW,
MATHSON INDUSTRIES,(KATTAPURAM AUTOMOBILES),
OLD RAILWAY STATION ROAD, COCHIN.

BY ADV. SRI.SHAJI P.CHALY

RESPONDENTS: DEFACTO COMPLAINANT

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1. STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNKULAM.
 2. N.D.MUTHAIYAH, RAJASABAI,
MANAGING DIRECTOR, SREE RAJAVEL AND CO.,
NAGHATHEENAH, ASRAMOM, KOLLAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31/07/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

J.M.JAMES, J.

B.A. 4592/2006

DATED THIS THE 31ST DAY OF JULY, 2006

O R D E R

The petitioner is before this Court praying that because of a non bailable warrant issued against him, he apprehends arrest, and the same may be averted. C.C.No.225/2003 is pending before the Chief Judicial Magistrate Court, Ernakulam, for the offence punishable under Sections 406 and 420 IPC. It is submitted by the learned counsel that the petitioner was away in connection with the death of his father. There are also disputes between the members of the family, regarding the sharing of the properties, after death of his father. The petitioner was in Mumbai. Therefore, he could not appear in time, before the Court below. An application was filed. But it was rejected issuing a non bailable warrant, against him. Hence this application under Section 438 Cr.P.C.

2. In the circumstances of this case, I direct the petitioner to surrender before the Chief Judicial

Magistrate, Ernakulam, on 4.8.2006 at 11.00 a.m. On his surrender, the learned Magistrate shall release the petitioner on bail, imposing such conditions, as are deemed necessary, so as to ensure his continued presence before the Court below, during the trial.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrCS