

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 30TH APRIL 2009 / 10TH VAISAKHA 1931

Crl.MC.No. 1426 of 2009()

CP.111/2006 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOTTARAKKARA

PETITIONER(S):

**SARATH CHANDRAN, S/O. BHASKARAN,
ALAVUMPOYIKA KIZHAKKEKKARA VEETIL,
KALAPILA MURI, ODANAVATTOM VILLAGE,
KOTTARAKKARA TALUK, KOLLAM.**

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENT(S):

**THE STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
AT ERNAKULAM, THROUGH THE SUB INSPECTOR
OF POLICE, POOYAPPALLY POLICE STATION,
KOLLAM.**

PUBLIC PROSECUTOR SRI.AMJED ALI

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30/04/2009, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

V. RAMKUMAR, J.

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Crl.M.C. No. 1426 of 2009

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Dated: 30.04.2009

ORDER

Petitioner, who is the accused in Crime No.322 of 2003 of Pooyappally Police Station for an offence punishable under Section 55 (g) of the Abkari Act and whose case is now pending before the J.F.C.M-II, Kottarakkara as C.P.No.111 of 2006 seeks a direction to the said Magistrate to release the petitioner on bail on the date of his surrender itself.

2. Admittedly, non-bailable warrants of arrest are pending against the petitioner. The circumstances under which those non-bailable warrants of arrest came to be issued against the petitioner are not discernible to this Court. It is only proper that the petitioner surrenders before the J.F.C.M. and seeks regular bail.

Accordingly, this Crl.M.C. is disposed of permitting the petitioner to surrender before the learned Magistrate and file an application for regular bail within a period of two weeks from today. In case, the petitioner complies with the above condition, his bail application shall be considered and disposed of on merits preferably on the same date on which it is filed notwithstanding the pendency of any non-bailable warrants, if any, against him bearing in mind the decision in Sukumari v. State of Kerala - 2001 (1) KLT 21. .

Dated this the 30th day of April, 2009

**V. RAMKUMAR,
(JUDGE)**

sj

