

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.Q.BARKATH ALI

WEDNESDAY, THE 30TH DECEMBER 2009 / 9TH POUSHA 1931

Crl.MC.No. 4208 of 2009

CC.1484/2004 of JUDL.MAGISTRATE OF FIRST CLASS-I, KARUNAGAPPALLY
IN CRIME NO.187/01 OF CHAVARA POLICE STATION
.....

PETITIONER/ACCUSED:

PRASAD, S/O.ARAVINDAKSHAN,
EDASSERYTHARA VEEDU, CHERUSSERY BHAGAM MURI,
CHAVARA VILLAGE, KARUNAGAPALLY TALUK,
KOLLAM DISTRICT.

BY ADV. SRI.P.V.DILEEP

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR, SRI. C.M. KAMAPPU.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30/12/2009, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

P.Q. BARKATH ALI, J.

Crl.M.C. No. 4208 OF 2009

Dated this the 30th day of December, 2009

O R D E R

Petitioner is the accused in Crime No.187/2001 of Chavara Police Station now pending before the Judicial First Class Magistrate Court, Karunagappally as LP No.94/2008.

2. Originally there were five accused persons. The allegation against them was that they have committed offences publishable under Sections 143, 147, 148, 324, r/w 149 IPC and under Section 3(2)(a) of PDPP Act. Initially the case was numbered as CC No.1211/2001. The present petitioner is the third accused in that case. As he absconded, the case against him was split up and refiled as CC No.1484/04 and the case was transferred to the Long Pending Register.

3. In this petition the petitioner averred that he is prepared to surrender before the Trial Court. He apprehends that if he surrenders, he will be remanded to judicial custody. He prays that the Magistrate may be directed to consider his Bail Application on the date of surrender itself.

4. On hearing the submissions made by the counsel for the petitioner and the learned Public Prosecutor, I feel that in the interest of justice this petition can be allowed.

In the result, the petition is allowed. The petitioner shall surrender before the Trial Court on or before 15.01.2010. The learned Magistrate shall consider his Bail Application, if filed, on the date of surrender itself and pass appropriate orders.

P.Q. BARKATH ALI, JUDGE

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