

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.BHAVADASAN

SATURDAY, THE 30TH JANUARY 2010 / 10TH MAGHA 1931

Crl.MC.No. 306 of 2010()

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AGAINST THE ORDER IN L.P.124/08 IN  
CP.62/2009 of JUDL.MAGISTRATE OF FIRST CLASS-I, KARUNAGAPPALLY,  
KOLLAM DISTRICT.  
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PETITIONER(S): NOT AN ACCUSED:  
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VIJU.V., S/O.VIJAYAN,  
KILLYANTHARAVADAKKATHIL, THEKKUM MURI,  
THAZHAVA, KUTHIRAPANTH P.O., KARUNAGAPPALLY.

BY ADVS. MR.P.B.SAHASRANAMAN,  
MR.T.S.HARIKUMAR,  
MR.K.JAGADEESH.

RESPONDENT(S): COMPLAINANT AND STATE:  
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1. THE SUB INSPECTOR OF POLICE,  
POLICE STATION, KARUNAGAPPALLY, KOLLAM DISTRICT.
2. STATE OF KERALA, REPRESENTED BY THE  
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM.

R1 & R2 BY PUBLIC PROSECUTOR MR. AMJAD ALI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 30/01/2010, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

Kss

P.BHAVADASAN, J.

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Crl.M.C No.306 OF 2010  
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Dated this the 30<sup>th</sup> day of January 2010  
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ORDER

This is a petition filed under Section 482 of the Cr.P.C by the petitioner praying that the petitioner may be permitted to surrender before the JFCM Court, Karunagappally and also to direct the learned Magistrate to consider the bail application, if any, filed by him on the same day itself.

2. Petitioner says that he is not accused in the case but he is falsely implicated. The allegation is that on 21/01/2003, 630 litres of wash was seized from a wet land South to Nooradu temple. Crime No.59/2003 was registered. Petitioner says that the accused shown in the record is Viri @ Biju, Son of Vijayan, Biju Bhavanam. Petitioner claims that he is not the said person. Now the police persons are haunting him on the pretext that he is the accused.

3. It is seen from the records that the said accused was treated as absconding and the case has been included in the L.P register. It is found that repeated warrant was issued against the same accused.

4. Whatever that be, in case the petitioner surrenders before the court below and files an application for bail, after giving notice to the Public Prosecutor concerned, the court below shall consider the application for bail on the same day itself and pass orders in accordance with law.

Sd/-  
P.BHAVADASAN,  
JUDGE

//TRUE COPY//

P.A TO JUDGE

vdv