

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 29TH DAY OF DECEMBER 2015/8TH POUSHA, 1937

Cr1.MC.No. 8059 of 2015 ()  
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CP 129/2015 of J.M.F.C., MANNARKAD

PETITIONER(S) /ACCUSED NO.2:  
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MOHAMMED SHANIL, AGED 20 YEARS  
S/O.HAKIM,  
KARATTUPARAMBIL VEEDU, PERIMBADARI,  
MANNARKAD.

BY ADVS.SRI.S.RAJEEV  
SRI.K.K.DHEERENDRAKRISHNAN  
SRI.V.VINAY

RESPONDENT(S) /STATE:  
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STATE OF KERALA  
REP.BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM-682031  
(CRIME NO.157/2015 OF MANNARKAD POLICE  
STATION, PALAKKAD DISTRICT).

BY PUBLIC PROSECUTOR SRI.GITHESH R.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
29-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ami/

**P.UBAID, J.**

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**Crl.M.C.No.8059 of 2015**  
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**Dated this the 29<sup>th</sup> day of December, 2015.**

**O R D E R**

The petitioner herein is the accused No.2 in C.P.No.129 of 2015 of the Judicial First Class Magistrate court, Mannarkad. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the court below, he seeks orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to recall the warrant and to release him 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 petitioner will have to surrender before the learned Magistrate and make application for bail. He will have to explain the reason for his absence in court. However, the petitioner's grievance that, he had not received any summons from the court below, will have to be

considered by the court below. 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.

In the result, this petition is closed with direction to the court below that in case the petitioner makes application for bail on surrender in C.P.No.129 of 2015, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side. The petitioner is granted seven days time to surrender before the learned Magistrate and to make application for bail. In the meantime, execution of the warrant of arrest will stand suspended.

Sd/-  
**P.UBAID,**  
**Judge.**

ami/

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P.A. to Judge