

Sathyadas Vs. State of Kerala

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Court : Kerala

Decided On : Jul-30-2013

Judge : Honourable Mr.Justice V.K.Mohanan

Appellant : Sathyadas

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE V.K.MOHANAN TUESDAY,THE 30TH DAY OF JULY 2013 8TH SRAVANA, 1935 CrI.MC.No. 3176 of 2013 () -----
AGAINST THE ORDER/JUDGMENT IN CMP NO. 7490/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, NEDUMANGAD CRIME NO. 629/2013 OF NEDUMANGAD POLICE STATION , THIRUVANANDAPURAM DISTRICT
===== PETITIONERS/ACCUSED:

----- 1. SATHYADAS, AGED 4 YEARS S/O.CHELLAYYAN NADAR, PUTHUVAL PUTHEN VEEDU, CHIRAKANI KIZHAKKUMKARA, VENGODU.P.O, VATTAPPARA THIRUVANANTHAPURAM.

2. BIJU, AGED 2 YEARS S/O.KRISHNAN KUTTY, KURAYATH VEEDU, KIZHAKKUM KARA CHENTHIPUR, VENGODU.P.O, NEDUMANGAD THIRUVANANTHAPURAM.

3. SANAL, AGED 3 YEARS S/O.THANKAPPAN, CHIRAKANI, KIZHAKKUM KARA PUTHUVALPUTHENVEEDU, VENGODE.P.O, THIRUVANANTHAPURAM.

4. RAJESH, AGED 2 YEARS S.O.RAGHAVAN NADAR, KUNJUVEEDU, KIZHAKKUMKARA VENGODE.P.O, NEDUMANGAD, TRIRUVANANTHAPURAM.

BY ADVS.SRI.S.RAJEEV SRI.K.K.DHEERENDRAKRISHNAN
RESPONDENTS/STATE: ----- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA,
ERNAKULAM-682031 (CRIME NO.629/2013 OF NEDUMANGAD POLICE
STATION THIRUVANANTHAPURAM DISTRICT).

2. STATION HOUSE OFFICER, NEDUMANGAD POLICE STATION
THIRUVANANTHAPURAM DISTRICT-695541(CRIME NO. 629/2013 OF
NEDUMANGAD POLICE STATION THIRUVANANTHAPURAM DISTRICT). BY
PUBLIC PROSECUTOR SMT. S. HYMA THIS CRIMINAL MISC. CASE HAVING
COME UP FOR ADMISSION ON 30-07- 2013, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING: CrI.MC.No. 3176 of 2013 () APPENDIX
PETITIONERS' EXHIBITS ----- ANNEUXURE-I TRUE
COPY OF THE COMPLAINT SUBMITTED BYH THE WIFE OF THE FIRST
PETITIONER DATED 26 4.2013 ANNEXURE-II TRUE COPY OF THE
TREATMENT RECORD OF THE FIRST PETITIONER ISSUED FROM TALUK
HOSPITAL,NEDUMANGAD ANNEXURE-III TRUE COPY OF THE PRIVATE
COMPLAINT NO.MP.NO.7490/13 FILED BY THE FIRST PETITIONER BEFORE
THE JUDICIAL MAGISTRATE OF FIRST CLASS-II,NEDUMANGAD.
RESPONDENTS' EXHIBITS ----- NIL // TRUE COPY //
P.A. TO JUDGE SD V.K.MOHANAN, J.

----- CrI.M.C.No.3176 of 2013
----- Dated this the 30th day of July, 2013

ORDER

The petitioners are accused Nos.1 to 4 in Crime No.629/2013 of Nedumangad Police Station, where the offences involved are under Sections 324, 326 r/w Section 34 of IPC. The petitioners have already move B.A.No.4955/2013 before this Court which was dismissed and therefore according to the petitioners they are

ready to surrender before the Court below but they apprehend that they will be send to jail because NBW is pending against them. Therefore, the present petition is filed under Section 482 of Cr.P.C with a prayer to direct the Judicial First Class Magistrate Court-II, Nedumangad, to consider the bail application of the petitioners on the date of their surrender itself.

2. Heard the counsel for the petitioner and the learned Public Prosecutor.

3. Having regard to the facts and circumstances involved in the case it appears that the petitioners are involved in a crime in which the offences punishable under Sections 324, 326 r/w Section 34 of IPC. It is also relevant to CrI.M.C.No.3176 o

2. note that their attempt for pre-arrest bail was failed as per order of this Court on 23/7/2013 in B.A.No.4955/2013. In the above circumstance it is for the petitioners to approach the Court below and to seek regular bail. In the result, this M.C. is disposed of relegating the petitioners to approach the court of Judicial First Class Magistrate-II, Nedumangad and they can surrender before the said court, if they are so advised, and seek orders to recall the NBW if any pending or for regular bail. Accordingly, there will be a direction to the learned Magistrate that, in the event of the petitioners surrender before that court and file an application to recall the warrant or for regular bail, or both, the same shall be considered on merit and pass appropriate orders thereon, on the date of their surrender itself. Sd/- V.K.MOHANAN, JUDGE AS

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