

Murukan Vs. State of Kerala

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Court : Kerala

Decided On : Oct-04-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Murukan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN FRIDAY,THE4H DAY OF OCTOBER201312TH ASWINA, 1935 CrI.MC.No. 4325 of 2013 () ----- CP.NO. 10/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I,KOCHI CRIME NO. 1450/2011 OF NARAKKAL POLICE STATION ,ERNAKULAM DISTRICT ----- PETITIONERS : ----- 1. MURUKAN, AGED40YEARS, S/O. THANKAPPAN, AMMAPPARAMBIL HOUSE, ELAMKUNNAPUZHA P.O., ERNAKULAM DISTRICT.

2. SHYJU, AGED45YEARS,S/O. RAJAN, PANIKKASSERY HOUSE, ELAMKUNNAPUZHA P.O., ERNAKULAM DISTRICT. BY ADVS.SRI.P.P.SUBHASH CHANDRAN SRI.SHAJI THANKAPPAN RESPONDENT : ----- STATE OF KERALA, REPRESENTED BY THE STATION HOUSE OFFICER, NARAKKAL POLICE STATION, ERNAKULAM DISTRICT, THROUGH PUBLIC PROSECUTOR, HIGH COURT OF

KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW
MANJOORAN THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON0410-2013, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING: sts CrI.MC.No. 4325 of 2013 () -----

APPENDIX PETITIONER(S)' ANNEXURES: -----

ANNEX A1 : COPY OF THE FIR AND FI STATEMENT IN CRIME NO.1450/11 OF
NARAKKAL POLICE STATION. ANNEX A2 : COPY OF THE SUMMONS
SERVED TO1T PETITIONER IN CP NO.10/2013 ON THE FILE OF JUDICIAL
FIRST CLASS MAGISTRATE COURT-I, KOCHI. ANNEX A3 : COPY OF THE
SUMMONS SERVED TO2D PETITIONER IN CP NO.10/2013 ON THE FILE OF
THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOCHI. ANNEX A4 :
COMPUTER COPY OF THE BAIL

ORDER

DTD.2.1.2012 IN BA NO.10306/2011 OF THIS HON'BLE COURT. ANNEX A5 :
COMPUTER COPY OF THE BAIL

ORDER

DTD.9.1.2012 IN BA NO.10438/2011 OF THIS HON'BLE COURT.
RESPONDENT(S)' ANNEXURES: NIL /TRUE COPY/ P.A.TO.JUDGE sts
P.BHAVADASAN, J.

----- CrI.M.C. No. 4325 of 2013 -----
----- Dated this the 04th day of October, 2013

ORDER

The limited prayer in this application is that on surrender, apprehending that they
may be remanded to custody, the petitioners want a positive direction to the
Judicial First Class Magistrate-I, Kochi, to release them on bail on their
appearance in C.P.No.10/2013 as early, on the same day itself.

2. It is evident from the reading of the petition that a non-bailable warrant is
pending execution against the petitioner. Whatever that be, it will not be
appropriate for this Court to direct the court below to grant bail on surrender. It is

only appropriate that they shall appear before the court concerned and appraise the said court the circumstances under which omission happened to occur and move appropriate application for necessary reliefs. Crl.M.C. No. 4325 of 2013 -2- This petition is disposed of reserving the liberty of the petitioners to surrender before the court below and move appropriate application for bail or such other reliefs as are necessary and the learned Magistrate shall dispose it of in accordance with law, preferably on the same day itself, keeping in view Annexures A4 and A5 orders passed by this Court, the copy of which have been produced by the petitioners along with their application. P.BHAVADASAN JUDGE ds

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