

Anil Kumar Vs. State of Kerala

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Court : Kerala

Decided On : Nov-05-2014

Judge : Honourable Mr. Justice Alexander Thomas

Appellant : Anil Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS WEDNESDAY, THE 5TH DAY OF NOVEMBER 2014 14TH KARTHIKA, 1936 CrI.MC.No. 6228 of 2014 () ----- CRIME NO. 461/2014 OF KUDIYANMALA POLICE STATION , KANNUR PETITIONERS/ACCUSED: ----- 1. ANIL KUMAR AGED 35 YEARS S/O GOVINDAN KUTTY, VASANTHA NIVAS, KARIYANGODE P.O PALAKKAD DISTRICT-678572 2. GOVINDAN KUTTY AGED 75 YEARS KARIYANGODE P.O., PALAKKAD DISTRICT, 678572. BY ADVS.SRI.P.NARAYANAN SRI.NICHOLAS JOSEPH RESPONDENT: ----- STATE OF KERALA STATION HOUSE OFFICER, KUDIYANMALA POLICE STATION REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM-682031. BY PUBLIC PROSECUTOR SRI.R.GITHESH THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 0511- 2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.MC.No. 6228 of 2014 () ----- APPENDIX PETITIONER(S)' EXHIBITS -----

ANNEXURE1 COPY OF THE FIR IN CR.NO.461/2014 OF KUDIYANMALA POLICE STATION. ANNEXURE2 COPY OF THE COMPLAINT FILED BY THE DE-FACTO COMPLAINANT AS PLC902014 BEFORE THE TALUK LEGAL SERVICE COMMITTEE. ANNEXURE3 COPY OF THE COMPLAINT FILED BY THE DE-FACTO COMPLAINANT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE TALIPARAMBA. RESPONDENT(S)' EXHIBITS ----- NIL. sdk+ ///True copy/// P.S. to Judge S ALEXANDER THOMAS, J.

===== Crl.M.C.No. 6228 of 2014 ===== Dated this the 5th Oday of November, 2014 R D E R The above captioned Criminal Miscellaneous Case has been filed with the prayer to direct Judicial First Class Magistrate Court, Thaliparamba, to consider and dispose of the bail applications of the petitioners in the light of the decisions of this Court in the case Ali v. State of Kerala, reported in 2000 (2) KLT280 Shanu v. State of Kerala , reported in 2000 (3) KLT452 Prem Shameer & Others v. State of Kerala reported in 2010 (4) KLT620 and Alex & Others v. State of Kerala & others, reported in 2007 (2) KLT466 and that of the Apex Court in Arnesh Kumar v. State of Bihar & another reported in 2014 (3) KHC69 2. In the facts and circumstances of this case, it is ordered that in the event of the petitioners appearing and surrendering on or before 17.11.2014, before the Judicial First Class Magistrate Court, Thaliparamba, and filing appropriate applications for recall of warrants, if any, and bail applications on their behalf, then the above said learned Magistrate shall consider the said applications CRL.M.C.6228/14 - :

2. :- on the same day itself and in the light of the decisions of this Court in the cases Ali v. State of Kerala, reported in 2000 (2) KLT280 Shanu v. State of Kerala , reported in 2000 (3) KLT452 Prem Shameer & Others v. State of Kerala reported in 2010 (4) KLT620 and Alex & Others v. State of Kerala & others, reported in 2007 (2) KLT466 and that of the Apex Court in Arnesh Kumar v. State of Bihar & another reported in 2014 (3) KHC69 Needless to say, the learned Magistrate shall examine the merits of the matter raised in the aforementioned bail applications of the petitioners. The petitioners are also at liberty to produce photocopies of the reported text of the decisions of this Court in the case Shanu v. State of Kerala

reported in 2000 (3) KLT452 and the other cited rulings relied on by the petitioners, for the perusal of the learned Magistrate. Further, in the interest of justice, it is ordered that until consideration and disposal of the bail applications of the petitioners by the learned Magistrate as directed above, all further coercive action against the petitioners, if any, will be kept in abeyance. The Crl.M.C. is finally disposed of with the above said observations and directions. Sd/- sdk+ ALEXANDER THOMAS, JUDGE ///True copy/// P.S. to Judge CRL.M.C.6228/14 - :

3. :-

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