

Umesh vs State of Kerala

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Court : Kerala

Decided On : Apr-11-2025

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : OP(Crl.)/226/2024

Appellant : UMESH

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947
CRIME NO.604 AND 605/2023 OF VARAPPUZHA POLICE STATION,
ERNAKULAM CRMC NO.3778 OF 2023 OF DISTRICT COURT &
SESSIONS COURT, ERNAKULAM PETITIONERS/ACCUSED 1 TO 4: 1
UMESH AGED 43 YEARS S/O. UNNIKRISHNAN, CHERANELLOOR,
ERNAKULAM,, PIN - 682034 2 NANDAKRISHNAN AGED 28 YEARS
S/O. RAJAN, THOTTUNGAL HOUSE, 3 ROHAN AGED 26 YEARS S/O.
DHAYANANDAN, 4 RAHUL AGED 30 YEARS S/O. DHAYANANDAN,
BY ADVS. K.R.VINOD M.S.LETHA NABIL KHADER DEVIKA S. JIJO
M.P. APARNA SHAJI RESPONDENTS: 1 STATE OF KERALA

REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 2 THE STATION HOUSE OFFICER VARAPPUZHA POLICE STATION, VARAPPUZHA, ERNAKULAM,, PIN - 683517 THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 11.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioners are accused Nos.1 to 4 in Crime Nos.604 of

2023 and 605 of 2023 of Varappuzha Police Station, Ernakulam. Their grievance is that when they made attempt to surrender before the Judicial First Class Magistrate Court-III, North Paravur and offer bail, the learned Magistrate did not permit them to surrender. It is in these circumstances, the petitioners have approached this Court with a prayer to give a direction to the Judicial First Class Magistrate Court-III, North Paravur to permit the petitioners to surrender in the above mentioned crimes.

2. I have heard Sri.K.R.Vinod, the learned counsel for the petitioners and Sri.Prasanth M.P., the learned Public Prosecutor.

3. The learned Public Prosecutor, on instructions, submits that the 1st accused is the accused in Crime Nos.604 of

2023 and 605 of 2023 of Varappuzha Police Station, Ernakulam and the petitioners 2 to 4 are only suspects. It is submitted that the petitioners 2 to 4 have not been arrayed as accused so far. The learned Prosecutor further submitted that the petitioners 2 to 4 did not appear before the investigating officer for the purpose of identification. Admittedly, all the offences alleged against the 1st petitioner are bailable in nature.

4. Having heard the learned counsel appearing for the petitioners and the learned Public Prosecutor, this Original Petition is disposed of as follows:-

(i) The 1st petitioner/1st accused is permitted to

surrender before the Judicial First Class Magistrate Court-III, North Paravur in Crime Nos.604 of 2023 and 605 of 2023 of Varappuzha Police Station, Ernakulam and offer bail. Since all the offences are bailable in nature, the learned Magistrate is directed to grant bail to the 1st petitioner/1st accused on suitable conditions.

(ii) The petitioners 2 to 4 shall co-operate with the

investigation. Sd/- DR.KAUSER EDAPPAGATH, JUDGE AS APPENDIX OF OP(CRL.) 226/2024 PETITIONER EXHIBITS EXHIBIT P1 THE COPY OF THE FIR NO.604/2023 OF VARAPPUZHA POLICE STATION DATED 12.12.2023 EXHIBIT P2 THE COPY OF THE FIR NO.605/2023 OF VARAPPUZHA POLICE STATION DATED 12.12.2023 EXHIBIT P3 THE COPY OF THE ORDER IN CRL.M.C.NO.3778/2023 DATED 08.01.2024 EXHIBIT P4 THE COPY OF THE ORDER IN CRL.M.C.NO.3636/2023 DATED 23.12.2023 OF THE SESSIONS COURT, ERNAKULAM,

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