

Crl. M. C. No. 10 /2020

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

TUESDAY, THE 28TH DAY OF APRIL, 2020 /8TH VAISAKHA, 1942

Crl. M. C. No. 10 /2020

**(In C.P No.23/2019 on the file of the Judicial First Class
Magistrate Court No.II, Thrissur and in Crime No. 977/2017 of
Nedupuzha Police Station, Thrissur District)**

Petitioner/Accused NO.1

Abdul Nazar, aged 41 years, S/o Hydru, Pulath pulikkottil
House, Amarambalam South, Mampoyil Village,
Amarambalam .P.O, Malapuram District.

RESPONDENT/COMPLAINANT:-

1. Station House Officer, Nedupuzha Police Station, Thrissur,
PIN- 680 007.

2. State of Kerala, represented by the Public Prosecutor, High
Court of Kerala, Ernakulam, PIN- 682031.

BY PUBLIC PROSECUTOR SRI.AJITH MURALI

THIS CRL.M.C HAVING COME UP FOR ADMISSION ON
28.04.2020, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ORDER

This is a petition filed under Section 482 of the Code of Criminal Procedure.

2. The petitioner is the first accused in C.P. No.23 of 2019 of the Judicial First Class Magistrate-II, Thrissur in Crime No. 977 of 2017 of Nedupuzha Police Station. Petitioner and other accused in the above crime are alleged to have committed the offences punishable under Sections 341, 323, 324, 308, 506, 294(b), read with Section 34 of Indian Penal Code.

3. The prosecution case, in brief, is that the petitioner and other accused assaulted the defacto complainant. The second accused threatened to kill the defacto complainant and hit him with an iron pipe on his neck. The said injuries could have caused death of the defacto complainant. Thus, the petitioner and other accused have committed the above offences.

4. According to the petitioner, the petitioner was not arrested at the crime stage. The petitioner was unaware of the pendency of the proceedings. Only now, after the final report was filed and a non-bailable warrant was issued against the petitioner, he became

aware of the pendency of the above case. There is no willful laches or negligence on the part of the petitioner in not getting himself enlarged on bail, at the crime stage. The petitioner apprehends that the police may arrest him, due to the warrant of arrest issued by the learned Magistrate in C.P. No.23 of 2019. The petitioner is willing to surrender before the learned Magistrate and co-operate with the trial, but he apprehends incarceration. Hence, he seeks a direction, that the learned Magistrate may consider his bail application on the date of his surrender itself.

5. After having considered the facts and circumstances of the case and the averments in the original petition and after having heard the learned counsel for the petitioner and the learned Public Prosecutor, in exercise of the powers of this Court under Section 482 of the Code of Criminal Procedure, I direct the Judicial First Class Magistrate-II, Thrissur, to consider and dispose of the bail application filed by the petitioner, preferably on the very same date, it is filed. The petitioner shall, to avail the benefit of this order, file the application seeking bail before the learned Magistrate on or before 8.5.2020. All coercive steps shall be kept in abeyance till 8.5.2020 or till the learned Magistrate passes orders on the bail application, which ever is earlier.

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This Criminal M.C. is ordered accordingly.

C.S.DIAS, JUDGE

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