

Kerala High Court

Thulasi vs The Sub Inspector Of Police on 6 January, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Crl.MC.No. 66 of 2009()

1. THULASI, AGED 40 YEARS, W/O.PRASAD,
... Petitioner

Vs

1. THE SUB INSPECTOR OF POLICE, KOODAL.
... Respondent

2. STATE OF KERALA, REPRESENTED BY THE

For Petitioner :SRI.V.SETHUNATH

For Respondent : No Appearance

The Hon'ble MR. Justice R.BASANT

Dated :06/01/2009

O R D E R

R. BASANT, J.

Crl.M.C. No. 66 of 2009

Dated this the 6th day of January, 2009

ORDER

The petitioner - a woman, faces indictment in a prosecution under the provisions of the Kerala Abkari Act. The petitioner was not arrested at the crime stage. Investigation is complete. Final report has already been filed. Cognizance has been taken. Reckoning the petitioner as an absconding accused, coercive processes have been issued against the petitioner by the learned Magistrate. Such processes are chasing the petitioner now. The petitioner apprehends imminent arrest in execution of such processes.

2. According to the petitioner, she is absolutely innocent. Her absence earlier was not wilful or deliberate. The petitioner, in these circumstances, wants to surrender before the learned Magistrate and seek regular bail. The petitioner apprehends that her application for regular bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is, in these circumstances, that the petitioner has come to this Court for a direction to the learned Magistrate to release her on bail when she appears before the learned Magistrate.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which she could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the petitioner's application for regular bail on merits, in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court must do the same. Sufficient general directions on this aspect have already been issued in the decision reported in *Alice George v. Deputy Superintendent of Police* (2003 (1) KLT 339).

4. In the result, this Crl.M.C. is dismissed; but with the observation that if the petitioner surrenders before the learned Magistrate and seeks bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself. Needless to say, the application for bail will have to be considered in the light of the decision in *Sukumari v. State of Kerala* (2001 (1) KLT 22).

5. Hand over a copy of this order to the learned counsel for the petitioner.

(R. BASANT, JUDGE) Nan/