

Kerala High Court

Kuttan @ Jayan & Another vs State Of Kerala on 10 November, 2008

IN THE HIGH COURT OF KERALA AT ERNAKULAM

CrI.MC.No. 4275 of 2008()

1. KUTTAN @ JAYAN & ANOTHER

... Petitioner

Vs

1. STATE OF KERALA

... Respondent

For Petitioner :SRI.SHOBY K.FRANCIS

For Respondent : No Appearance

The Hon'ble MR. Justice R.BASANT

Dated :10/11/2008

O R D E R

R.BASANT, J

CrI.M.C. No.4275 of 2008

Dated this the 10th day of November, 2008

ORDER

Petitioners, who as accused 1 and 2, face indictment for offences punishable, inter alia, under Section 326 I.P.C; whose application for anticipatory bail stands dismissed by another Bench of this Court; who have not challenged the order dismissing the application for anticipatory bail and have not surrendered before the Investigating Officer or the learned Magistrate so far, and who apprehend imminent arrest, have come before this Court with this petition praying for issue of directions under Section 482 Cr.P.C to the learned Magistrate to comply with the dictum in Alice George v. The Deputy Superintendent of Police [2003(1) KLT 339] and to consider their application for bail to be filed by them when they surrender before the learned Magistrate on merits, in accordance with law and expeditiously.

2. Sufficient general directions have already been issued in Alice George v. The Deputy Superintendent of Police [2003(1) KLT 339]. I am not satisfied that it is necessary for this Court in every subsequent case to issue directions under Section 482 Cr.P.C to the Magistracy to follow the dictum in Alice George v. The Deputy Superintendent of Police . Every court must do the same. I have no reason to assume that the same shall not be done. If there be non compliance, the avenues of challenge/complaint are available for the petitioners.

3. This Crl.M.C is, in these circumstances, dismissed, but with the above specific observations.

4. Hand over a copy of this order to the learned counsel for the petitioners for production before the court below.

(R.BASANT, JUDGE) rtr/-