

Kerala High Court

Yahoo vs Station House Officer on 8 March, 2007

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Crl MC No. 631 of 2007()

1. YAHOO, S/O.MOIDU, NADUKKANDI HOUSE,
... Petitioner
2. ABDUL NAZAR, S/O.YAHOO,

Vs

1. STATION HOUSE OFFICER,
... Respondent
2. STATE OF KERALA,

For Petitioner :SRI.P.V.KUNHIKRISHNAN

For Respondent : No Appearance

The Hon'ble MR. Justice R.BASANT

Dated :08/03/2007

O R D E R

R. BASANT, J.

CRL.M.C.NO. 631 OF 2007

Dated this the 8th day of March, 2007

ORDER

The petitioners are accused 1 and 2 in a prosecution, inter alia, under Sec.324 read with Sec.149 of the IPC. Altogether, there were six accused persons. Accused Nos.3, 4 and 5 have already been found not guilty and acquitted. The case against the petitioners has been split up. It is now pending as C.C.No.685/06 before the learned Magistrate. As the petitioners were not available, warrants of arrest have been issued by the learned Magistrate. The petitioners find such warrants of arrest chasing them. The petitioners, in these circumstances, want to surrender before the learned Magistrate and seek regular bail. The petitioners apprehend that their 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 petitioners have come to this Court for a direction to the learned Magistrate to release them on bail when they appear before the learned Magistrate.

2. It is for the petitioners to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which they could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the petitioners' 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).

3. In the result, this Crl.M.C. is dismissed; but with the observation that if the petitioners surrender before the learned Magistrate and seek 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, unless compelling and exceptional reasons are there.

Sd/-

(R. BASANT, JUDGE)

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P.S. To Judge