

Kerala High Court

Abdul Salam vs State Of Kerala Rep. By The Sub on 28 April, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Crl.MC.No. 1411 of 2009()

1. ABDUL SALAM, AGED 29 YEARS,
... Petitioner

Vs

1. STATE OF KERALA REP. BY THE SUB
... Respondent

For Petitioner : SRI.K.B.ARUNKUMAR

For Respondent : PUBLIC PROSECUTOR

The Hon'ble MR. Justice S.S.SATHEESACHANDRAN

Dated : 28/04/2009

O R D E R

S.S.SATHEESACHANDRAN, J.

CRL.M.C.NO.1411 OF 2009 ()

Dated this the 28th day of April, 2009

O R D E R

Petition is filed under Section 482 of Cr.P.C. Petitioner is the accused in Crime No.78/05 of Mepayur Police Station registered for the offence punishable under Sections 366 and 376 of IPC. The above crime, after investigation and laying of charge, it appears, is pending as C.P.No.4/2008 on the file of the Judicial First Class Magistrate, Payyoli. Petitioner now seeks a direction to the Magistrate to consider and dispose of his bail application on the date of his surrender before the court.

2. I heard the learned counsel for the petitioner and also the learned Public Prosecutor. Evidently, the petitioner remained at large, till the investigating agency laid the charge. As the case is now pending in committal of proceedings, the custody of the petitioner may not be required at this stage,

but, it is for the Magistrate, who is posted with the facts of the case, to decide the merits of the bail application, if any, moved by the petitioner on his surrender before that court. The Magistrate is directed to consider and dispose of the bail application of the petitioner on the date of his surrender itself, if he appears and moves such an application within ten days from the date of this order.

Criminal M.C. is disposed of as above.

S.S.SATHEESACHANDRAN JUDGE prp S.S.SATHEESACHANDRAN, J.

CRL.R.P.NO. OF 2006 ()

O R D E R

23rd March, 2009