

Ajmal Vs State Of Kerala

Court: High Court Of Kerala

Date of Decision: Jan. 19, 2023

Acts Referred: Indian Penal Code, 1860 " Section 143, 147, 148, 308, 323

Hon'ble Judges: Ziyad Rahman A.A., J

Bench: Single Bench

Advocate: R.N.Sandeep, Keerthi Vijayan, Rahul S.R., C.S.Hrithwik

Final Decision: Disposed Of

Judgement

Ziyad Rahman A.A., J

1. The petitioner is the 3rd accused in Crime No.1269 of 2019 of Kadakkavur Police Station, which is now pending as C.P.No.101 of 2021 before the

Judicial First Class Magistrate Court-I, Varkala. Offences alleged against the petitioner are under Sections 143, 147, 148, 323 and 308 IPC.

2. The petitioner was initially released on bail during the crime stage. However, as the petitioner was working in UAE, he could not appear before the

learned Magistrate after the cognizance was taken. Consequently, a non-bailable warrant happened to be issued against the petitioner. Now the

petitioner expresses his willingness to surrender before the learned Magistrate, where the matter is pending as C.P.No.101 of 2021. However, the

apprehension of the petitioner is that, he is likely to be detained in the event of surrender, as the non-bailable warrant is pending. This CrI.M.C. is filed

in such circumstances, seeking for a direction to the learned Magistrate to consider the bail application to be submitted by the petitioner on the date of

surrender itself.

3. After considering all the relevant inputs, I am of the view that some indulgence can be shown by granting an opportunity to the petitioner.

In the result, this CrI.M.C. is disposed of, directing the petitioners to surrender before the Judicial First Class Magistrate Court-I, Varkala and submit

necessary applications for bail and to recall the warrant within a period of two weeks. In the event of such surrender and submission of applications,

the same shall be considered by the learned Magistrate, positively on the date of surrender itself, provided the petitioner gives advance notice to the

Public Prosecutor concerned. To enable the petitioner to do so, execution of the non-bailable warrant shall kept in abeyance for a period of two weeks

or till the date of surrender, whichever is earlier.