

**(2023) 08 KL CK 0029****High Court Of Kerala****Case No:** Criminal Miscellaneous Petition No. 6185 Of 2023

XXX XXX XXX

APPELLANT

Vs

State Of Kerala

RESPONDENT

**Date of Decision:** Aug. 3, 2023**Acts Referred:**

- Indian Penal Code, 1860 - Section 342, 354A(1)(i), 354B, 376(2)(f), 376(3), 450
- Protection of Children from Sexual Offences Act 2012 - Section 3(a), 4(2), 5(n), 5(p), 6, 7, 8, 9(n), 9(p), 10
- Juvenile Justice (Care and Protection of Children) Act, 2015 - Section 75

**Hon'ble Judges:** K.Babu, J**Bench:** Single Bench**Advocate:** I.K.Siju, Anjana Kannath, G.Sudheer**Final Decision:** Disposed Of**Judgement**

K.Babu, J.

1. This Crl.M.C is filed seeking the following relief:-

“.....to direct the Fast Track Special Court, Karunagapally to recall warrant, consider and dispose the bail application of the petitioner on the same day of his surrender itself in L.P.No.10/2023 in S.C.No.1041/2022 in the interest of justice.”

2. The petitioner is the accused in L.P.No.10/2023 in SC No.1041/2022 on the file of the Fast Track Special Court, Karunagapally.

3. The offences alleged against the petitioner are punishable under Sections 450, 342, 354-A(1)(i), 354-B, 376(2) (f), 376(3) of IPC, Section 4(2) r/w Section 3(a), Section 6 r/w Sections 5(n), 5(p), Section 8 r/w Section 7, Section 10 r/w Sections 9(n), 9(p) of the

Protection of Children from Sexual Offences Act 2012 and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

4. Heard both sides.

5. The learned counsel for the petitioner submitted that non-bailable warrant has been issued against the petitioner due to his absence in the Court below. It is further submitted that the petitioner is working in a Gulf country and he is prepared to surrender before the Court below within a period of two weeks from this date.

6. The non-bailable warrant issued against the petitioner shall stand recalled. The petitioner shall surrender before the Court below within 15 days from this date. If the petitioner appears before the Court below and files an application seeking regular bail, the same shall be considered and decided positively on the date of filing itself, in the light of the principles declared by the Apex Court in *Satender Kumar Antil v CBI* [(2022) 10 SCC 51].

The Crl.M.C is disposed of as above.