

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE S.S.SATHEESACHANDRAN

THURSDAY, THE 4TH DAY OF OCTOBER 2012/12TH ASWINA 1934

Crl.MC.No. 3172 of 2012 ()

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(LP.NO.3/2008 IN RC.NO.17(4) 03, CBI, KERALA CIRCLE WHICH WAS CC.3/2004 OF  
DISTRICT AND ADDITIONAL SESSIONS COURT, CBI NO.1, ERNAKULAM)  
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PETITIONER(S)/ACCUSED NO.1:  
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HARIDASAN M.,  
S/O.KUNHIKANNAN ADIYODI, MAVILA HOUSE, HARISREE,  
KEEZHOOR, IRITTY, KANNUR.

BY ADV. SRI.C.K.SREEJITH

RESPONDENT/COMPLAINANT:  
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CENTRAL BUREAU OF INVESTIGATION  
KERALA CIRCLE, ERNAKULAM - 682 002.

BY ADV. SRI.P.CHANDRASEKHARA PILLAI, C.B.I.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 04-10-2012, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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**S.S.SATHEESACHANDRAN, J.**

**Crl.M.C No.3172 OF 2012**

**Dated this the 4<sup>th</sup> day of October, 2012**

**ORDER**

Petitioner is one among the accused (A1) in a case involving various offences punishable under the Indian Penal Code and also covered by Prevention of Corruption Act. Case against him now has been included among the long pending cases numbered as L.P No.3 of 2008 on the file of the Additional Sessions Judge CBI No.1, Ernakulam since his presence could not be secured when cognizance of the offences was taken by the court and trial proceeded against the coaccused. He has filed the above petition for issuing a direction to the learned Additional Sessions Judge to release him on bail on his surrender. Knowing the limitations and also unsustainability of the relief sought for, at the time of hearing, learned counsel for the petitioner requested for issuing a direction to the court below to consider his bail application on the date of his surrender. Opposing the application, Standing Counsel

for the Central Bureau of Investigation, for short, 'CBI' contended that even during the investigation of the crime petitioner had remained at large. He has been declared as an absconder and after taking coercive steps thereof the case against him had been included among the long pending cases, is the further submission.

2. His entitlement for bail on his surrender is, no doubt, a matter to be considered by the learned Additional Sessions Judge with reference to the facts and circumstances involved in the case and also on the grounds canvassed in his application for bail. So far as the request made for consideration of such application expeditiously, I find no hurdle, whatsoever, in passing a direction thereof.

*In case the petitioner surrenders within two weeks and advance notice on his bail application has been given to the Standing Counsel for C.B.I, the Additional Sessions Judge shall consider such application expeditiously and dispose the same in accordance with law.*

I make it clear that the direction given as above shall not be construed as placing any impediment to the learned Additional Sessions Judge in deciding the bail application on its merits.

Petition disposed of.

vdv

**S.S.SATHEESACHANDRAN, JUDGE**