

Anilkumar Vs. State of Kerala

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Court : Kerala

Decided On : Jan-31-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Anilkumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN THURSDAY, THE 31ST DAY OF JANUARY 2013 11TH MAGHA 193 Bail Appl..No. 329 of 2013 () ----- CR. NO. 170/2012 OF KOLLAM EXCISE RANGE. PETITIONER/ACCUSED: ----- ANILKUMAR, S/O.NATARAJAN, AGED 5 YEARS, ASHOK BHAVAN, AYATHIL GOPALASSERI MURI, VADAKKEVILA VILLAGE, KOLLAM. BY ADV. SRI.NIREESH MATHEW. RESPONDENT/COMPLAINANT: ----- STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SMT.LALIZA T.Y. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31-01-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: rs. P. BHAVADASAN, J.

----- B.A. No.329 of 2013 -----

- Dated this the 31st day of January, 2013

ORDER

The petitioner was arrayed as an accused in CR No.170/2012 of Kollam Excise Range, for offence punishable under Section 57 (a) of the Kerala Abkari Act on the ground that the toddy sample taken for chemical analysis contained 8.99% ethyl alcohol, which is allegedly in excess than the permissible quantity fixed by the Kerala Abkari Shops Disposal Rules, 2002. It is pointed out by the petitioner that the second sample was sent for analysis and the report of the said analysis shows that the quantity of ethyl alcohol was less than the permitted quantity.

2. This is not disputed by the learned Public Prosecutor.

3. If that be so, it is felt that it is just and proper to exercise extraordinary jurisdiction in favour of the petitioner. Accordingly, the petition is allowed as follows: i) The petitioner shall surrender before the B.A. No.329 of 2013 -2- Investigating Officer on or before 07.02.2013, who after interrogation shall produce him before the JFCM concerned and on application for bail being moved by the petitioner, the learned Magistrate shall release the petitioner on bail on the petitioner executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two solvent sureties for the like sum each to the satisfaction of the said Court. ii) The learned Magistrate shall ensure the identity of the sureties and also the veracity of the tax receipts before granting bail. iii) The petitioner shall report before the Investigating Officer on every Wednesday between 9 am and 10 am till final report is laid. iv) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witness. v) If any of the condition is violated, the bail granted shall stand cancelled and the JFCM concerned, on being satisfied of the said fact, may take such proceedings as are available to him in law. Sd/- P. BHAVADASAN
JUDGE //True copy// P.A. TO JUDGE Shg/

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