

Sumandran Vs. State of Kerala

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Court : Kerala

Decided On : Jan-30-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Sumandran

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN WEDNESDAY, THE 30TH DAY OF JANUARY 2013 10TH MAGHA 193 Bail Appl..No. 524 of 2013 () ----- CRIME NO. 99/2012 OF KILIMANOOR EXCISE RANGE OFFICE , THIRUVANANDAPURAM PETITIONER(S)/A2: ----- SUMANDRAN, AGED 5 YEARS CHARUVILA PUTHEN VEEDU,MANNOORBHAGOM,ALAMCODE THIRUVANANTHAPURAM. BY ADVS.SRI.SHAJIN S.HAMEED SRI.BIJU VARGHESE ABRAHAM RESPONDENT(S)/STATE: ----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA,ERNAKULAM.

2. THE EXCISE INSPECTOR, KILIMANOOR EXCISE RANGE THIRUVANANTHAPURAM DISTRICT. PIN CODE

001. BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-01-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: tss P. BHAVADASAN, J.

----- B.A. No. 524 of 2013 -----

Dated this the 30th day of January, 2013. ORDER Petitioner is the second accused in Crime No.99 of 2012 of Kilimanoor Excise Range, who is alleged to have committed offences punishable under Section 55(i) of the Abkari Act.

2. The allegation against the petitioner and the co-accused is that on 28.12.2012 at 6.15 p.m. the excise officers found two persons under suspicious circumstances and on seeing the excise party, one person took to his heels. The other person was apprehended with 450 ml. of IMFL. The petitioner was arrested on the basis of the confession statement given by the first accused.

3. Petitioner would say that he is innocent. He claims to be running a hotel nearby and according to the petitioner, the first accused had borrowed a glass from him and consumed liquor. He would say that he has been falsely implicated in the crime. He therefore seeks pre-arrest bail. B.A.524/2013

4. Learned Public Prosecutor opposed the application. It is pointed out that the claim of the petitioner cannot be accepted in view of the materials available against the petitioner. It is also pointed out that the investigation is at an infant stage.

5. After having heard learned counsel for the petitioner and the learned Public Prosecutor and having perused the CD, it is difficult to accept the claim of the petitioner that he is innocent. A deeper probe into the veracity of the allegations is not warranted at this point of time. Suffice is to say, the nature of the offence, the nature of the article seized etc. and also the fact that the investigation is at an infant stage precludes this court from exercising the extraordinary jurisdiction in favour of the petitioner. This application is therefore dismissed. However, if the petitioner is so advised, he may surrender before the Investigating Officer on or before B.A.524/2013

6. 2.2013, who, after interrogation shall produce him before the court concerned, which court, on an application for bail being moved by the petitioner, may dispose of the same in accordance with law and in the light of the decision reported in Sukumari v. State of Kerala (2001(1) K.L.T.

22) preferably on the same day itself. P. BHAVADASAN, JUDGE sb.

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