

Vasantha Vs. State of Kerala

Vasantha Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1016634

Court : Kerala

Decided On : Jul-29-2013

Judge : Honourable Mr.Justice S.S.Satheesachandran

Appellant : Vasantha

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALAATERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE S.S.SATHEESACHANDRAN MONDAY, THE 29TH DAY OF JULY 2013/7TH SRAVANA, 1935 Bail Appl..No. 5116 of 2013 () ----- AGAINST THE ORDER IN CMP 5957/2013 of J.M.F.C.-I, NEDUMANGAD DATED 05-07-2013 CRIME NO. 36/2013 OF ARYANAD EXCISE RANGE OFFICE , THIRUVANANTHAPURAM PETITIONER/ACCUSED: ----- VASANTHA D/O. AMMUKUTTY, AGED 6 YEARS KARIMPUVILA THADATHARIKATHU VEEDU, KODALI KOTTAKKAKOM MURI, ARYANAD VILLAGE, NEDUMANGAD TALUK THIRUVANANTHAPURAM DISTRICT. BY ADVS.SRI.T.A.UNNIKRISHNAN SRI.K.SATHEESH KUMAR RESPONDENT/COMPLAINANT: ----- STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM REPRESENTING EXCISE INSPECTOR, EXCISE RANGE OFFICE ARYANAD. R BY PUBLIC PROSECUTOR SMT.R.REMA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-07-2013, ALONG WITH BA. 5117/2013 AND BA. 5118/2013, THE COURT ON THE SAME

DAYPASSED THE FOLLOWING: AV S.S.SATHEESACHANDRAN, J
----- B.A.No.5116, 5117, 5118 of 2013
----- Dated this the 29th day of July, 2013

ORDER Common petitioner in the above three applications is the accused in three crimes, all of them registered at Aryanad Excise Range for Abkari offences. B.A.No.5116 of 2013 relates to crime No.36/2013, B.A.No.5117 of 2013 in crime No.23/2013 and B.A.No.5118 of 2013 in crime No.52/2012 of the above Excise Range. In all the three crimes petitioner is proceeded for offences punishable under Section 8(1) and 8(2) of the Abkari Act, for having kept in her possession illicit arrack ranging from 1.5 liters to 2.5 liters without any authority or license.

2. Petitioner surrendered before the magistrate on 04.07.2013, and thereupon she was remanded to judicial custody.

3. Period of detention already suffered by petitioner is canvassed by her counsel to urge for her release on bail submitting that she is innocent and has been implicated in B.A.No.5116, 5117, 5118 o

2. more than one crime on baseless allegations by excise officials. Petitioner if released on bail is likely to repeat the very same offence, is the submission of learned Public Prosecutor to oppose the application. Having regard to the quantity of arrack allegedly seized from petitioner, though at different occasions, giving raise to registration of three crimes, and taking note of the period of detention already suffered by her, I find she can be released on bail at this stage subject to following conditions:

1. Petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two solvent sureties for the like sum, by each of them, separately in all the three crimes, to the satisfaction of Judicial First Class Magistrate - I, Nedumangad.

2. Petitioner shall report before the investigating officer at the Excise Office at 10:00 a.m on every Monday for a period of four weeks or till completion of investigation of the crimes whichever is earlier. B.A.No.5116, 5117, 5118 o

3. 3. Petitioner shall not commit any similar abkari offence while she continues on bail in these crimes and if she does so it is open to the Magistrate/Sessions Judge to revoke her bail without any further orders from this Court, but, in accordance with law Sd/- S.S.SATHEESACHANDRAN, JUDGE //TRUE COPY// P.A TO JUDGE DG

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com