

Manasi Vs. State of Kerala

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Court : Kerala

Decided On : Jul-31-2013

Judge : Honourable Mr.Justice S.S.Satheesachandran

Appellant : Manasi

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE S.S.SATHEESACHANDRAN WEDNESDAY, THE 31ST DAY OF JULY 2013 9TH SRAVANA, 1935 Bail Appl..No. 5019 of 2013 () ----- AGAINST THE ORDER/JUDGMENT IN CMP 1948/2013 of J.M.F.C., MANNARKAD DATED CRIME NO. 358/2013 OF AGALI POLICE STATION , PALAKKAD PETITIONERS/ ACCUSED 1 & 2 : -----

1. MANASI, AGED 5 YEARS, W/O.MANIYAN, NARASIMUKKU, AGALI P.O., PALAKKAD, PIN-678581 2. M CHINNASWAMY, AGED 3 YEARS, S/O.MANIYAN, NARASIMUKKU, AGALI P.O., PALAKKAD, PIN-678581 BY ADV. SRI.JACOB SEBASTIAN RESPONDENTS/ COMPLAINANT & STATE :

----- 1. STATE OF KERALA, REP PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 2 THE SUB INSPECTOR OF POLICE, AGALI POLICE STATION BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31-07-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: RKM S.S.SATHEESACHANDRAN, J

Dated this the 31st day of July, 2013 ORDER Petitioners are the accused (A1 and A2) in a crime involving abkari offences punishable under Sections 8(1) & (2) & 55(g) of the Kerala Abkari Act. Allegation is that petitioners, both of them, were found in possession of liquor, at about 4.40.p.m., on 02.07.2013, at a public place by a police party. First petitioner (A1) had in his possession 2.5 litres of arrack, and 2nd petitioner (A2), two plastic pots containing wash. Seizing the contraband and arresting the accused the crime was registered. Petitioners on production before the magistrate were remanded to judicial custody.

2. I heard counsel for petitioners and also learned public prosecutor. As against first petitioner (A1), two cases, both of them involving abkari offences, are pending investigation, and if released on bail, he is likely to repeat similar offence, is the submission of learned public prosecutor. Submission made is not disputed by learned counsel for petitioners.

3. Having regard to the riders placed under Section 41A of the Abkari Act, I find in the given facts of the case, first petitioner (A1) is not entitled to be released on bail, at this stage. B.A.No.5019 o

2. 4. The 2nd petitioner (A2) considering the submissions made and taking note of the facts and circumstances presented, he is directed to be enlarged on bail on his executing a bond for Rs.10,000/- (Rupees Ten thousand only) with two solvent sureties for the like sum. 2nd petitioner shall report before the investigating officer once in a week on every Monday at a time between 10.00.a.m.and 11.00.a.m.for a period of four weeks or till completion of investigation of the crime. Petition is dismissed with respect to first petitioner (A1), and bail is granted to 2nd petitioner (A2), on the conditions indicated above. Sd/- S.S.SATHEESACHANDRAN,
JUDGE True Copy P.A.to Judge RKM