

Sabu Vs. State of Kerala

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Court : Kerala

Decided On : Oct-01-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Sabu

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY,THE1T DAY OF OCTOBER20139TH ASWINA, 1935 Bail Appl..No. 6203 of 2013 () ----- CRIME NO. 53/2013 OF NEDUMANGAD EXCISE RANGE OFFICE , THIRUVANANDAPURAM. PETITIONER/1ST ACCUSED: ----- SABU, AGED40YEARS S/O.SOMAN, KIZHAKUMKARA VEEDU, KALIYIKKAL VIDURA, KOTTAKKAKAM MURI, VIDURA VILLAGE NEDUMANGAD TALUK, THIRUVANANTHAPURAM. 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, NEDUMANGAD EXCISE RANGE. BY PUBLIC PROSECUTOR SMT.LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON0110-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: tss THOMAS P.JOSEPH, J.

Dated this the 01st day of October, 2013

ORDER

Petitioner is accused, in Crime No.53 of 2013 of Nedumangad Excise Range Office for offences punishable under Secs.8(1) and (2), 55(b), 55(g) and 64(A) of the Kerala Abkari Act.

2. It is alleged that on 13.08.2013 at about 5.30p.m, the petitioner and the second accused were found manufacturing illicit arrack. The officials seized 8 litres of arrack and 130 litres of wash.

3. The petitioner was arrested and produced before the jurisdictional magistrate on 14.08.2013 and since then, he is in custody.

4. Learned counsel submits that the petitioner is not involved in any other case and is in custody from 14.08.2013 and hence bail may be granted if necessary, subject to condition.

5. Learned Public Prosecutor submitted that investigation is not completed and the second accused is still at large. It is also submitted that the petitioner is not reported to be involved in any other case.

6. Having regard to the circumstances above stated, I am inclined to grant bail but subject to stringent condition since B.A.No.6203 of 2013 2 recurring of such incident has to be prevented. Resultantly this application is allowed as under: (i) Petitioner (accused in Crime No.53 of 2013 of Nedumangad Excise Range office) is granted bail and will be released, if not required to be detained otherwise on his executing bond for `25,000/- (Rupees Twenty Five Thousand Only) with two sureties for the like sum each to the satisfaction of the jurisdictional Magistrate and subject to the following conditions. (a) Bail bond shall be executed within two weeks from this day. (b) One of the sureties shall be a close relative of the petitioner. (c) Petitioner shall not get involved in any other offence during the period of this bail. (d) Petitioner shall report to the Officer investigating the case on every Saturday between 10 a.m and 12 p.m for a period of two months or until

final report is filed, whichever is earlier. (e) Petitioner shall report to the Officer investigating the case as and when required for interrogation, at all reasonable time and places. (f) Petitioner shall not go beyond Nedumangad Excise Range office except with the permission of the jurisdictional magistrate, until filing of the final report. B.A.No.6203 of 2013 3 (g) If any of the conditions is violated, the bail granted hereby is liable to be cancelled by moving appropriate application before the jurisdictional Magistrate as held in P.K Haji Vs. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P.JOSEPH, JUDGE Sbna True Copy P A to Judge

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