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Dharmarajan Vs. State of Kerala

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Court : Kerala

Decided On : Nov-19-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Dharmarajan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY, THE19H DAY OF NOVEMBER201328TH KARTHIKA, 1935 BAIL APPL.NO. 7589 OF2013() ---------- AGAINST THE

ORDER
/

JUDGMENT
IN CRMP NO.3943/2013 OF DIST & SESSIONS COURT, ALAPPUZHA DATED2108-2013 CRIME NO. 9/2007 OF KUTTANADU EXCISE RANGE OFFICE , ALAPPUZHA ---------- PETITIONER/ACCUSED(S): ---------- DHARMARAJAN, AGED42YEARS, S/O.BALAKRISHNAN, KANICHERIL VEETIL, KOTTABHAGAM MURIYIL PULINCUNNOO PANCHAYATH, WARD NO.XII, KUTTANADU TALUK ALAPPUZHA DISTRICT. BY ADV. SRI.SAIBY JOSE KIDANGOOR

RESPONDENTS/STATE & COMPLAINANT(S): ---------- 1. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM PIN682031.

2. THE EXCISE RANGE OFFICER KUTTANADU EXCISE RANGE OFFICE ALAPPUZHA DISTRICT. 688 101. BY PUBLIC PROSECUTOR SMT. LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON1911-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: NS THOMAS P. JOSEPH, J.

---------- Bail Appl. No. 7589 of 2013 ---------- Dated this the 19th day of November 2013

ORDER

Petitioner is the accused in Crime No.9 of 2007 of the Kuttanadu Excise Range office for the offence punishable under Sec.55(g) of the Abkari Act for alleged possession of 110 litres of wash, apprehends arrest and has filed this application.

2. Learned Public Prosecutor has submitted that the final report is filed in the Judicial First Class Magistrate Court, Ramankari on 28.11.2012 and that the case is pending committal as C.P. No.3 of 2013.

3. In the light of the above, detention of the petitioner is found not necessary. Hence, I am inclined to grant bail to the petitioner but, subject to conditions. Resultantly, the application is allowed as under.

1. Petitioner is granted bail in Crime No.9 of 2007 of the Kuttanadu Excise Range office.

2. Petitioner shall surrender in the learned Judicial First Class Magistrate Court, Ramankari Bail Appl. No. 7589 of 2013 2 in C.P. No.3 of 2013 within two weeks from this day.

2. On such surrender, learned magistrate shall release the petitioner (if not required to be detained otherwise) on bail on his executing bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties for the like sum each to the

satisfaction of the learned magistrate and subject to the following conditions: (a) One of the sureties shall be a close relative of the petitioner. (b) Petitioner shall report to the officer who filed charge sheet in connection with the case whenever such presence is required. (c) Petitioner shall not get involved in any offence during the period of this bail. (d) In case any of the above conditions is violated, it is open to the investigating officer to file application before the learned magistrate (until committal of the case if any, and Bail Appl. No. 7589 of 2013 3 thereafter, before the learned Principal Sessions Judge, concerned for cancellation of the bail granted hereby, as held in P.K. Shaji V. State of Kerala (AIR 2006 SC100.

3. It is made clear that if the petitioner does not surrender in the Judicial First Class Magistrate Court, Ramankari within the time aforesaid, this order will cease to be effective on the expiry of the said period. Sd/- THOMAS P. JOSEPH JUDGE / True Copy / NS P.A. To Judge

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