

Surendran Vs. State of Kerala

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Court : Kerala

Decided On : Nov-29-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Surendran

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH FRIDAY, THE 29TH DAY OF NOVEMBER 2013 8TH AGRAHAYANA, 1935 Bail Appl..No. 7911 of 2013 ----- CRIME NO. 93/2013 OF KAYAMKULAM EXCISE RANGE OFFICE , ALAPPUZHA PETITIONER/ ACCUSED: ----- SURENDRAN, AGED 54 YEARS, S/O. NANU, VETTATHETHUVADAKKETHIL, CHERAVALLY MURI, KAYAMKULAM VILLAGE. BY ADVS.SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL) SRI.A.R.DILEEP SRI.MANU SEBASTIAN SRI.K.J.SHARATH KUMAR RESPONDENTS/ STATE AND COMPLAINANT: ----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. THE EXCISE INSPECTOR, KAYAMKULAM EXCISE RANGE OFFICE, KAYAMKULAM 690502. R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/11-2013, THE

COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss THOMAS P. JOSEPH, J ----- B.A.No.7911 of 2013 ----- Dated this the 29th day of November, 2013

ORDER

Petitioner is accused, in Crime No.93 of 2013 of the Kayamkulam Excise Range Officer for the offence punishable under Section 55(i) of the Kerala Abkari Act for alleged possession of 7.800 liters of IMFL for sale on 15-11-2013, is in custody since then and seeks bail.

2. Learned Public Prosecutor submitted that investigation of the case is not completed but, petitioner is not reported to be involved in any other offences.

3. Learned counsel submits that since the petitioner is in custody from 15-11-2013, he may be granted bail.

4. Having regard to the circumstances above stated, I am inclined to grant bail but from a future date since investigation of the case is not completed and subject to stringent conditions to prevent the recurrence of such incidents in future. Resultantly, the application is allowed as under: Petitioner is granted bail in Crime No.93 of 2013 of the Kayamkulam Excise Range Officer and shall be released, if not required to be detained otherwise on his executing bond for B.A.No.7911 of 2013 2 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 investigating the case on every Saturday between 10 a.m and 12 p.m for a period of two months or until filing of the final report, whichever is earlier. c) Petitioner shall report to the officer investigating the case as and when required for interrogation. d) Petitioner shall not, during the period of this bail get involved in any offence. e) Petitioner shall co-operate with investigating of the case. f) In case any of condition Nos.(b) to (e) is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate (until committal of the case if any, and thereafter, before the learned Principle Sessions Judge concerned) as held in P.K.Shaji Vs. State of Kerala (AIR B.A.No.7911 of 2013 3

2006 SC100. g) Since investigating is not completed, this order granting bail will take effect only from 06-12-2013. Sd/- THOMAS P. JOSEPH, JUDGE AS /True Copy/ P.A. to Judge

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