

Satheesha Vs. Excise Range Officer

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Court : Kerala

Decided On : Feb-28-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Satheesha

Respondent : Excise Range Officer

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH FRIDAY,THE28H DAY OF FEBRUARY20149TH PHALGUNA, 1935 Bail Appl..No. 1304 of 2014 ----- CRIME NO. 41/2013 OF KASARAGOD EXCISE RANGE OFFICE , KASARGOD ----- PETITIONER(S)/ACCUSED: ----- SATHEESHA, AGED33YEARS, S/O.SANKAPPA MOOLYA, RENJAPADPU HOUSE, PAVOOR, KSARAGOD DISTRICT. BY ADV. SRI.T.G.RAJENDRAN RESPONDENTS/COMPLAINANT/STATE: ----- 1. THE EXCISE RANGE OFFICER, KASARAGOD EXCISE RANGE-671121.

2. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031. BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON2802-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: PJ THOMAS P.JOSEPH, J.

===== B.A. No.1304 of 2014
===== Dated this the 28th day of
February, 2014

ORDER

Petitioner is the accused in Crime No.41 of 2013 of the Kasargod Excise Range for the offence punishable under Section 8(1) & (2) of the abkari Act for alleged possession of 350 litres of spirit and large of quantity of Indian Made Foreign Liquor in several bottles, apprehends arrest and has filed the application.

2. Learned Public Prosecutor has opposed the application.

3. I have heard the learned counsel for the petitioner as well.

4. Request for pre-arrest bail was rejected as per order dated 25.09.2013 in B.A. No.5729 of 2013. Petitioner claims change of circumstance in that an enquiry was (allegedly) conducted by the Excise Officials in the alleged involvement of the petitioner into the incident. Annexure-II is the report where some suspicion is raised as to the manner in which the Officials have prepared mahazar in Crime No.41 of 2013. A request is made to appoint a new team to investigate into the matter. In the light of the above I am inclined to grant relief for a limited period so that B.A. No. 1304 of 2014 -:

2. :- the new team could investigate and come out with their conclusion. The application is disposed of as under: (i) Petitioner shall surrender before the the Assistant Excise Commissioner, Kozhikode who is presently investigating the case on 06.03.2014, at 10.00 a.m for interrogation. (ii) If interrogation of the petitioner is not completed that day, he shall appear before the officer investigating the case on the day/days and time as directed by him which the petitioner shall comply. (iii) In case the petitioner is arrested, he shall be produced before the jurisdictional magistrate the same day. (iv) On such production, the petitioner shall be released (if not required to be detained otherwise) for a period of two months 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 closed relative of the petitioner. B.A. No. 1304 of 2014 -:

3. :- (b) Petitioner shall report to the officer investigating Crime No.708 of 2013 of the Upputhara Police Station on every Saturday between 10.00 a.m and 12.00 p.m during the said period of two months. (c) Petitioner shall report to the officer investigating the case as and when required for interrogation at all reasonable time and place during the said period. (d) Petitioner shall not get involved in any offence during the period of this bail. (e) Petitioner shall not intimidate or influence the witnesses. (v) In case the petitioner violates any of condition Nos.(b) to (e), it is open to the investigating officer to move the learned magistrate until committal of the case if any and thereafter before the learned Principal Sessions Judge, concerned for cancellation of the bail as held in P.K.Shaji v. State of Kerala (AIR 2006 SC100. THOMAS P.JOSEPH, JUDGE. vsv

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