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Ratheesh Kumar Vs. State of Kerala

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Court : Kerala

Decided On : Feb-28-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Ratheesh Kumar

Respondent : State of Kerala

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. 1405 of 2014 () ---------- CRIME NO. 8/2010 OF KOTTARAKKARA EXCISE RANGE, KOLLAM DISTRICT ---------- PETITIONER : ---------- RATHEESH KUMAR, AGED30YEARS, S/O MURALEDHARAN, RATHEESH BHAVAN, THAZHATHU KULAKKADA MURI, KULAKKADA VILLAGE, KOLLAM. BY ADVS.SRI.LAL K.JOSEPH SRI.A.A.ZIYAD RAHMAN SRI.JOJO GEORGE SRI.MURALEEDHARAN P.(THURAVOOR) SRI.V.S.SHIRAZ BAVA RESPONDENTS : ---------- 1. THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM -682 031 2. THE EXCISE INSPECTOR, EXCISE RANGE, KOTTARAKKARA, KOLLAM-691 011 R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON2802-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts THOMAS P. JOSEPH. J.

========== Bail Application No.1405 of 2014 ========== Dated this the 28th February, 2014

ORDER

Petitioner is accused in Crime No. 8 of 2010 of the Kottarakkara Excise Range office for the offences punishable under Secs.8(1) and (2) of the Abkari Act for alleged possession and transportation of 5 liters of arrack in a scooter on 25.01.2010, is in custody since 24.01.2014 and seeks bail.

2. Learned Public Prosecutor has opposed the application. It is submitted that the petitioner is also involved in Crime Nos. 61 of 2009 and 6 of 2010 for offences of similar nature. The petitioner was not available since 21.11.2010.

3. Learned counsel submits that since registration of the crime, the petitioner got married and leading a peaceful life. The petitioner is not involved in any other offence. B.A No. 1405 of 2014 2 4. Having regard to the circumstances, I am inclined to grant bail but subject to stringent conditions to prevent recurrence of such incidents in future. Application is allowed as under:- Petitioner is granted bail in Crime No. 8 of 2010 of the Kottarakkara Excise Range office and shall be released, if not required to be detained otherwise on his executing bond for Rs.25,000/- (Rupees Twenty five thousand only) with three sureties for the like sum each to the satisfaction of the jurisdictional magistrate and subject to the following conditions:- a) One of the sureties shall be the father/mother/wife of the petitioner whether or not he/she has landed properties. b) Petitioner shall report to the Investigating Officer on every alternate Saturday between 10:00 a.m. and 12:00 p.m. until filing of the final report. c) Petitioner shall report to the investigating officer as and when required for interrogation. d) Petitioner shall not get involved in any offence during the period of this bail. B.A No. 1405 of 2014 3 e) Petitioner shall not intimidate/influence the witnesses. f) It is made clear that in case any of condition Nos. (b) to (e) is violated, it is open to the Investigating Officer to seek cancellation of the bail granted hereby by moving application before the learned magistrate (until committal if any and thereafter before the learned Principal Sessions Judge concerned) as held in P.K. Shaji V. State of Kerala (AIR2006 Supreme Court 100). Sd/- THOMAS P.JOSEPH, JUDGE //true

copy// P.A. to Judge Smv

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