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Ajikumar Vs. State of Kerala

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Court : Kerala

Decided On : May-16-2014

Judge : Honourable Mr. Justice K.Ramakrishnan

Appellant : Ajikumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN FRIDAY,THE16H DAY OF MAY201426TH VAISAKHA, 1936 Bail Appl..No. 3068 of 2014 ---------- CRIME NO. 46/2014 OF SASTHAMCOTTA EXCISE RANGE OFFICE , KOLLAM ---------- PETITIONERS/ACCUSED: ---------- AJIKUMAR, AGED35YEARS, S/O RADHAKRISHNAN, AJI BHAVANAM HOUSE, PATHIRIKKAL MURI, SOORANADU NORTH VILLAGE, KUNNATHOOR THALUK, KOLLAM DISTRICT, KERALA-690520. BY ADV. SRI.SOORANAD S.SREEKUMAR RESPONDENT(S)/STATE & COMPLAINANT: ---------- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031.

2. EXCISE INSPECTOR, EXCISE RANGE OFFICE, SASTHAMCOTTA, KOLLAM DISTRICT-690521. BY PUBLIC PROSECUTOR SRI.N.SURESH THIS BAIL

APPLICATION HAVING COME UP FOR ADMISSION ON1605-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: PJ K.RAMAKRISHNAN, J.

---------- B.A.No.3068 of 2014 ----------

Dated this the 16th day of May, 2013.

ORDER

1This is an application for bail filed by the petitioner who is accused in crime No.46 of 2014 of Sasthamcotta Excise Range of Kollam District under Section 439 of the Code of Criminal Procedure. 2.The case of the prosecution in nutshell is that, on 15.04.2014 at about 1:30 PM the accused was found to be in possession of one litre of arrack and also two liters of Indian Made Foreign Liquor for the purpose of sale and they have seized those articles from his house and thereby he had committed the offence punishable under Section 8 (1) and (2) and 55(a) and (i) of the Abkari Act. 3.The counsel for the petitioner submitted that the petitioner has not committed any offence and he is innocent of the same. In fact, no article was seized from his possession. He surrendered before the Court on 22.04.14 and he is in jail from that day onwards. 4.The application was opposed by the Public Prosecutor on B.A.3068/14 2 the ground that the investigation is not over and if he is released on bail, he is likely to repeat similar offence. 5.Heard both sides and perused records. 6.It is seen from the records that the sasthamcotta Excise Officials have received some information that the petitioner is engaged in sale of arrack and Indian Made Foreign Liquor at his house. On the basis of that information, on 05.04.2014 at 1:30 p.m, after complying all the formalities, they conducted search of the house of the petitioner and found one litre of arrack and two litres of Indian Made Foreign Liquor kept in that house and they seized the same and thereafter registered the above crime against the petitioner. Since the petitioner was not available in the house at that time, they could not arrest the petitioner. It is also seen from the records that the petitioner surrendered before the Court on 22.04.14 by himself and thereafter he has been remanded to custody by the Court. He is in jail from that day on wards. Investigation of the case is almost over. The prosecutor had no case that the petitioner B.A.3068/14 3

involved in other crime of similar nature earlier. By this time, he may have understood the gravity of the offence and its consequences. I am not at this stage going to the question as to whether the allegations are sufficient to attract the offences alleged or involvement of the petitioner in the commission of the crime as it is a matter for evidence to be considered by the concerned court. Considering the circumstances, this Court feels that bail can be granted to the petitioner with effect from 22.05.2014 with some stringent conditions. So the application is allowed with following conditions:

1. The petitioner shall be released on bail with effect from 22.05.2014 on his executing a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum each to the satisfaction of the Judicial First Class Magistrate Court, Sasthamcotta.

2. The petitioner shall appear before the Investigating Officer on all Saturdays between 09.00 a.m. and 10.00 a.m. for a period of three months and thereafter on the last Saturday of every month between the same timings till the B.A.3068/14 4 final report is filed.

3. The petitioner shall appear before the Investigating Officer for the purpose of interrogation as and when required in connection with the above crime in writing him to do so till the final report is filed.

4. The petitioner shall not intimidate or influence the witnesses.

5. The petitioner shall not involve in any other crime of similar nature during the bail period.

6. The petitioner shall not leave State of Kerala without getting prior permission either from the Judicial First Class Magistrate Court, Sasthamcotta or from the court to which the case will be committed for trial till the disposal of the case. With the above conditions, this bail application is allowed. Sd/- K.RAMAKRISHNAN, JUDGE. //TRUE COPY// P.A TO JUDGE DG

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