

**Ammini Vs. State of Kerala**

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**Court :** Kerala

**Decided On :** Jun-05-2014

**Judge :** Honourable Mr.Justice Thomas P.Joseph

**Appellant :** Ammini

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 5TH DAY OF JUNE 2014 15TH JYAISHTA, 1936 Bail Appl..No. 3519 of 2014 () ----- CRIME NO. 590/2014 OF KODANAD POLICE STATION , ERNAKULAM PETITIONER(S)/ACCUSED: ----- AMMINI, AGED 66 YEARS W/O LATE VELAYUDHAN, KALAPPURACKAL HOUSE KODANAD VILLAGE, KODANAD KARA, ERNAKULAM DISTRICT BY ADVS.SRI.P.B.SAHASRANAMAN SRI.P.P.BIJU RESPONDENT(S)/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM BY PUBLIC PROSECUTOR: ADV. LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05 06-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: THOMAS P.JOSEPH, J.

Dated this the 05th day of June, 2014

## ORDER

Petitioner is accused, in Crime No.590 of 2014 of the Kodanad Police Station for the offences punishable under Sec.6 of the Kerala Motor Spirit and High Speed Diesel Oil Order, 1979 r/w Sec.3 and 7 (1)(a)(II) of the Essential Commodities Act for alleged possession of 80 liters of petrol and 35 liters of diesel for sale without authority, apprehends arrest and has filed this application.

2. Learned Public Prosecutor has opposed the application. It is submitted that on 04.05.2014 at about 5 p.m on getting information about the petitioner engaging in unauthorised sale of petrol and diesel, the police searched house and premises of the petitioner and seized petrol and diesel as aforesaid from a shed near the house.

3. Learned counsel submits that petitioner is neither the owner nor in possession of the shed or the land where it is situated. It is also submitted that she had no possession of the contraband allegedly seized.

4. There is no allegation that alleged keeping of the contraband was for any mischievous purpose. It is alleged that it B.A.No.3519 of 2014 2 was meant for sale. Petitioner is not reported to be involved in any other case. Having regard to the relevant circumstances, I am inclined to grant relief but subject to stringent conditions. Resultantly this application is disposed of as under: (i) Petitioner shall surrender before the officer investigating Crime No.590 of 2014 of the Kodanad Police Station on 12.06.2014 at 10 a.m for interrogation. (ii) In case interrogation is not completed that day, it is open to the officer concerned to direct presence of the petitioner on other day/days at reasonable time and place as may be specified by him which the petitioner shall comply. (iii) In case arrest of the petitioner is recorded, she shall be produced before the jurisdictional magistrate the same day. (iv) On such production the petitioner shall be released on bail (if not required to be detained otherwise) on her executing bond for `20,000/- (Rupees Twenty 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 of the petitioner. (b) Petitioner shall report to the officer investigating the case as and when required for interrogation at all reasonable time and place. B.A.No.3519 of 2014 3 (c) Petitioner shall not get involved in any offence during the period of this bail. (d) Petitioner shall not intimidate or influence the witnesses. (e) In case the petitioner violates any of condition Nos.(b) to (d), it is open to the investigating officer to move the learned magistrate for cancellation of the bail as held in P.K Shaji Vs. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P.JOSEPH, JUDGE. Sbna True Copy P A to Judge

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