

Suresh Vs. Excise Inspector, Chalakudy

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Court : Kerala

Decided On : Jul-15-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Suresh

Respondent : Excise Inspector, Chalakudy

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY,THE15H DAY OF JULY201424TH ASHADHA, 1936 Bail Appl..No. 5185 of 2014 ()
----- CRIME NO. 32/2014 OF CHALAKKUDY EXCISE RANGE OFFICE, TRISSUR ----- PETITIONER/ACCUSED1& 2 :
----- 1. SURESH, AGED38YEARS, S/O.NARAYANAN, PATTATHIPARAMBAN, VETTLAPARA DESOM, PARIYARAM VILLAGE, THRISSUR-680721 2. SREEKANTH, AGED26YEARS, S/O.BHADRAN, KATTUKANDATHIL HOUSE, VETTLAPARA DESOM, PARIYARAM VILLAGE, THRISSUR-680721 BY ADVS.SRI.M.H.HANIL KUMAR SRI.M.R.DHANIL RESPONDENTS/COMPLAINANT/STATE :
----- 1. EXCISE INSPECTOR, CHALAKUDY CHALAKUDY EXCISE RANGE, THRISSUR DIST REP BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-COCHIN-682031 2. STATE OF KERALA REP BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031 BY PUBLIC PROSECUTOR SRI. SHIBU

JOSEPH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 1507-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
BP THOMAS P. JOSEPH, J ----- B.A.No.5185 of 2014
----- Dated this the 15th day of July, 2014

ORDER

Petitioners are accused 1 and 2 in Crime No.32 of 2014 of the Chalakudy Excise Range Office for offences punishable under Sections 8(1) and (2) of the Kerala Abkari Act for alleged possession of 50 liters illicit arrack on 14.05.2014, are in custody since then and seek bail.

2. Learned Public Prosecutor has opposed the application. It is submitted that the contraband was seized from the possession of the petitioners. It is also submitted that the first petitioner/first accused is involved in 3 other cases of similar nature. The second petitioner/second accused is helper of the first petitioner. Final report is filed in the JFMC, Chalakudy on 14.07.2014.

3. Learned counsel submitted that since the final report is filed further detention of the petitioners is not required. It is also submitted that at any rate, there is no criminal antecedents attributed to the second petitioner/second accused.

4. Having regard to the circumstances of the case including antecedents and material collected, request of the B.A.No.5185 of 2014 2 first petitioner/first accused for bail notwithstanding that the final report is filed, cannot be allowed. But, the second petitioner is not reported to be involved any other case. Having regard to the relevant circumstances, I am inclined to grant him relief subject to conditions. Application is disposed of as under: (I) Request of the first petitioner/first accused in Crime No.32 of 2014 of the Chalakudy Excise Range Office for bail is rejected leaving it open to him to move the Courts below or this Court for bail at a later stage. (II) (i) The second petitioner/second accused is granted bail in Crime No.32 of 2014 of the Chalakudy Excise Range Office and shall be released (if not required to be detained otherwise) on his executing bond for Rs.30,000/- (Rupees thirty thousand only) with three sureties for the like sum each to the satisfaction of the jurisdictional magistrate and subject to the following conditions: (a) Whether or not he/she has landed property, one of the sureties

shall be the mother/father/brother/close relative of the second petitioner/second accused. (b) Second petitioner/second accused shall report to the officer investigating the case if and when required for B.A.No.5185 of 2014 3 interrogation. (c) Second petitioner/second accused shall not get involved in any offence during the period of this bail. (c) Second petitioner/second accused shall not intimidate or influence the witnesses. (III) It is made clear that in case any of condition Nos. (b) to (d) 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 of the case 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. AS /True Copy/ P.A. to Judge

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