

Johnson Vs. State of Kerala

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Court : Kerala

Decided On : Sep-18-2014

Judge : Honourable Mr.Justice K.Harilal

Appellant : Johnson

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.HARILAL THURSDAY, THE 18TH DAY OF SEPTEMBER 2014 27TH BHADRA, 1936 Bail Appl..No. 6795 of 2014 ()
----- CRIME NO. 413/2014 OF PULPALLY POLICE STATION , WAYANAD PETITIONER(S)/SOLE ACCUSED: ----- JOHNSON AGED 50 YEARS S/O. CHACKO, VARIKKANAKKAL HOUSE, CHETTAPALOM THANNITHERUVU, PADICHIRA AMSOM WAYANADU. BY ADVS.SRI.AMJAD ALI SRI.MANSOOR.B.H. RESPONDENT(S)/COMPLAINANT/STATE: ----- STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM REPRESENTING STATION HOUSE OFFICER PULPALLY POLICE STATION, WAYANAD DIST. R BY PUBLIC PROSECUTOR, SMT. LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18-09-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: JJJ K.HARILAL, J.

----- Dated this the 18th day of September, 2014

ORDER

This application is filed under section 439 of the Code of Criminal Procedure seeking regular bail. The petitioner is the sole accused in Crime No.413/2014 of Pulpally Police Station, registered alleging commission of the offences punishable under sections 8(2), 55(a) and 55(i) of Kerala Abkari Act.

2. The allegation against the petitioner is that he was found to be in possession and selling 10 litres of arrack and 50 litres of Wash along with utensils for distillation. The crime was detected on 1.8.2014 at 3.50 pm and he was arrested from the spot.

3. The petitioner submits that he is absolutely innocent of the allegations levelled against him, he has not committed any offence as alleged by the respondent and he B.A No. 6795 of 2014 -2- is falsely implicated in the offences. Now the investigation of the crime is practically over and the detention of the petitioner is not necessary for the purpose of investigation. He is ready to co-operate with the investigation and also he is willing to abide any condition this court is pleased to impose.

4. Per contra, the learned Public Prosecutor submits that he is the sole accused in the above crime alleging offences referred above and he was arrested on 1.8.2014 and still under judicial custody. It is also submitted that if he is released on bail he may tamper with the evidence and influence the witnesses acquainted with the facts and circumstances of the case.

5. Having regard to the fact that he is under judicial custody from 1.8.2014 onwards and the prosecution has got sufficient time for investigation, I am of the opinion that bail can be granted to the petitioner on conditions given below. B.A No. 6795 of 2014 -3- Hence, the application is allowed and the petitioner shall be released on bail on the following conditions: i. The petitioner shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the

like sum to the satisfaction of the Judicial First Class Magistrate Court-II, Sulthan Bathery. ii. The petitioner shall not involve in any other Abkari offence during the period under bail. iii. The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses. iv. The petitioner shall appear before the Investigating Officer as and when required. B.A No. 6795 of 2014 -4- If any of the conditions is violated, the bail granted shall stand cancelled and the learned Magistrate concerned, on being satisfied of the said fact, may take such steps as are available to him under law. Sd/- K. HARILAL, JUDGE //True Copy// P.A. to Judge jjj

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