

Preji Vs. State of Kerala

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Court : Kerala

Decided On : Oct-09-2014

Judge : Honourable Mr. Justice K.Ramakrishnan

Appellant : Preji

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN THURSDAY, THE 9TH DAY OF OCTOBER 2014 17TH ASWINA, 1936 Bail Appl..No. 7225 of 2014 ()
----- AGAINST THE

ORDER

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JUDGMENT

IN CMP44862014 of J.M.F.C., HARIPAD DATED 16-09-2014 CRIME NO. 113/2014 OF KARTHIKAPPALLY EXCISE RANGE OFFICE , ALAPPUZHA PETITIONER(S)/ACCUSED: ----- PREJI, AGED 43 YEARS S/O. PACHU, CHEMBANPARAMBIL, THAMALLAKKAL THEKKUMURI KUMARAPURAM VILLAGE, KARTHIKAPPALLY TALUK BY ADVS. SRI. BRIJESH MOHAN SMT. RESMI G. NAIR RESPONDENT(S):
----- 1. STATE OF KERALA REP BY PUBLIC PROSECUTOR,

HIGH COURT OF KERALA ERNAKULAM, COCHIN³¹². THE EXCISE INSPECTOR KARTHIKAPALLY , HARIPPAD, PIN-690516 BY PUBLIC PROSECUTOR SMT T Y LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09.10.2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: LSN K. RAMAKRISHNAN, J.

----- B.A. No.7225 of 2014
----- Dated this the 09th day of October 2014

ORDER

This is an application filed by the sole accused in Crime No. 113 of 2014 of Karthikappally Excise Range for regular bail under Section 439 of Code of Criminal Procedure (hereinafter referred to as 'the Code' for short).

2. The case of the prosecution in nutshell was that on 09.09.2014 at about 1.15 p.m, the accused was found to be in possession of 4 litres of arrack and thereby he had committed the offence punishable under Section 8(1)(2) of the Kerala Abkari Act.

3. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he is innocent of the same and he is in jail from 09.09.2014 onwards.

4. Learned Public Prosecutor opposed the application on the ground that investigation of the case is not over.

5. Heard both sides and perused the Case Diary. B.A. No.7225 of 2014 2 6. It is seen from the Case Diary that the petitioner was arrested on 09.09.2014 at about 1.15 p.m along with 4 litres of arrack and he is in jail from that day onwards. The investigation is almost over. Most of the witnesses are Excise Officials. So the apprehension of the learned Public Prosecutor is that if he is released on bail, it is likely to influence the witnesses is without any basis. Further, the prosecutor has no case that the petitioner has involved in any other crime in similar nature earlier. By this time, he might have understood the gravity of the offence and its consequences.

7. The custody of the petitioner is not required any more in connection with the investigation. Considering the pretrial detention of the petitioner and also the stage of the investigation, this Court feels that bail can be granted to the petitioner with some stringent conditions. The application is allowed with the following conditions.

1. The petitioner shall be released on bail on his executing bond for Rs.50,000/- (Rupees fifty thousand only) with two B.A. No.7225 of 2014 3 solvent sureties for the like sum to the satisfaction of the Judicial First Class Magistrate Court-I, Haripad.

2. The petitioner shall appear before the Investigating Officer on all Mondays and Saturdays between 9.00 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 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 to do so till 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 period of bail.

6. The petitioner shall not leave the State of Kerala without getting prior permission either from the Judicial First Class Magistrate Court-I, Haripad or from the Court to which, the case will be committed for trial till the disposal of the case. B.A. No.7225 of 2014 4 With the above conditions, this application is allowed. K. RAMAKRISHNAN, Judge Isn

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