

Pavan.M vs State of Kerala

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Court : Kerala

Decided On : May-07-2024

Judge : Honourable Mr. Justice C.Pratheep Kumar

Appeal No. : Bail Appl./3537/2024

Appellant : Pavan.M

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR
TUESDAY, THE 7TH DAY OF MAY 2024 / 17TH VAISAKHA, 1946 BAIL
APPL. NO. 3537 OF 2024 CRIME NO.65/2024 OF Kasaragod Excise
Range Office, Kasargod PETITIONER(S)/ACCUSED PAVAN.M AGED
34 YEARS S/O PRADEEP KUMAR, KARUNA NILAYAM, MEEPUGIRI
DESOM, KUDLU VILLAGE, KASARAGOD TALUK, KASARAGOD
DISTRICT., PIN - 671121 BY ADVS. A.ARUNKUMAR S.SHYAM
KUMAR SACHIN GEORGE ARAMBAN

RESPONDENT(S)/STATE STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031

OTHER PRESENT: PP VIPIN NARAYANAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.PRATHEEP KUMAR, J.

----- Bail Application No.3537 of 2024
----- Dated this the 07th day of May, 2024

ORDER

1. This is an application for regular bail filed by the accused in Crime No.65/2024 of Excise Range, Kasargode under Section 439 Cr.P.C. The offence alleged against the petitioner is under Section 58 of the Abkari Act.
2. The Prosecution case is that on 16.4.2024 at about 1.50 pm, the accused was found in possession of 8.64 liters of Indian Made Foreign Liquor (IMFL) in Kudlu village, which was meant for sale in the State of Karnataka.
3. According to the learned counsel for the petitioner, this is a false case foisted against him and that the petitioner is innocent.
4. The application was opposed by the learned Public Prosecutor.
5. The only allegation against the accused is that he was found in possession of 8.64 liters of Indian Made Foreign Liquor (IMFL) in Kudlu village, which was meant for sale in the State of Karnataka. In the crime and occurrence report, there is no allegation that the petitioner possessed the IMFL for the purpose of sale. In the above circumstances, considering the fact that the petitioner is in custody since 16.4.2024, I am inclined to allow this application, subject to the following conditions :-
 - (i) The petitioner is released on bail on executing bond for Rs.50,000/- (fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the trial Court.

(ii) The petitioner shall report before the Investigating Officer on every Tuesday between 10.00 am and 11.00 am till the final report is filed or till the end of June, 2024, whichever is earlier.

(iii) The petitioner shall co-operate with the investigation. He shall not intimidate or influence the witnesses or tamper with the evidence.

(iv) The petitioner shall not involve himself in similar

offence while on bail. Sd/- C.Pratheep Kumar Judge Mrcs/7.5 APPENDIX OF BAIL APPL. 3537/2024 ANNEXURE Annexure AI A TRUE COPY OF THE ORDER DATED 20-04-2024 IN C.M.P.NO.519 OF 2024 OF JFCM-I, KASARAGOD

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