

Rajan vs State of Kerala

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Court : Kerala

Decided On : Aug-08-2024

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : Bail Appl./6303/2024

Appellant : RAJAN

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS THURSDAY, THE 8TH DAY OF AUGUST 2024 / 17TH SRAVANA, 1946 CRIME NO.81/2024 OF PALAKKAD EXCISE RANGE OFFICE, PALAKKAD AGAINST THE ORDER/JUDGMENT DATED IN CRMC NO.3915 OF 2024 OF DISTRICT COURT & SESSIONS COURT, PALAKKAD PETITIONER/ACCUSED: RAJAN AGED 58 YEARS S/O. MUTHU ASARI, KALPPADAKKAL HOUSE, KADAKURUSSI, KANNADI-I VILLAGE PALAKKAD DISTRICT, PIN - 678701 BY ADVS. T.K.SANDEEP SWETHA R. RESPONDENT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 SR.PUBLIC PROSECUTOR SMT. SEETHA S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.08.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Dated this the 8th day of August, 2024

ORDER

The application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 by the sole accused in Crime No.81/2024 of the Palakkad Excise Range Office, Palakkad, which is registered against him for allegedly committing the offences punishable under Sections 55(a) and 55(i) of the Kerala Abkari Act, 1 of 1077. The petitioner was arrested and remanded to judicial custody on 01.07.2024. 2.The crux of the prosecution case is that: on 01.07.2024, at around 7.30 hours, the Detecting Officer and party conducted a search of the house of the accused and seized 59 litres of Indian Made Foreign Liquor. The accused was arrested subsequently. Thus, the accused has committed the above offences. 3.Heard Sri. T.K. Sandeep, the learned counsel appearing for the petitioner and Smt. Seetha S, the learned Senior Public Prosecutor. 4.The learned counsel for the petitioner

submitted that the petitioner is totally innocent of the accusations levelled against him. He has been falsely implicated in the crime. The petitioner has been in judicial custody since 01.07.2024, the investigation in the case is practically complete and recovery has been effected. Moreover, the petitioner does not have any criminal antecedents. Hence, the petitioner may be released on bail.

5.The learned Public Prosecutor opposed the application. She submitted that the investigation is in progress. She also stated that if the petitioner is released on bail, he would commit a similar offence. Hence, the application may be dismissed.

6. On an anxious consideration of the facts, the

rival submissions made across the Bar and the materials placed on record, especially on considering the fact that the petitioner has been in judicial custody since 01.07.2024, that the petitioner does not have any criminal antecedents, that the investigation in the case is practically complete and recovery has been

effected, I am of the view that the petitioners further detention is unnecessary. Hence, the petitioner is entitled to be released on bail.

In the result, the application is allowed, by directing the petitioner to be released on bail on him executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum, to the satisfaction of the court having jurisdiction, which shall be subject to the following conditions:

(i) The petitioner shall appear before the

Investigating Officer on every alternate Saturdays between 9 a.m. and 11 a.m for a period of three months or till the final report is filed, whichever is earlier. He shall also appear before the Investigating Officer as and when required;

(ii) The petitioner shall not directly or indirectly

make any inducement, threat or procure to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any Police Officer or tamper with the evidence in any manner, whatsoever;

(iii) The petitioner shall not commit any offence while he is on bail;

(iv) The petitioner shall surrender his passport, if

any, before the court below at the time of execution of the bond. If he has no passport, he shall file an affidavit to the effect before the court below on the date of execution of the bond

(v) In case of violation of any of the conditions mentioned above, the jurisdictional court shall be empowered to consider the application for cancellation of bail, if any filed, and pass orders on the same, in accordance with law.

(vi) Applications for deletion/modification of the bail

conditions shall be filed and entertained before the court below.

(vii) Needless to mention, it would be well within the powers of the Investigating Officer to investigate the matter and, if necessary, to effect

recoveries on the information, if any, given by the petitioner even while the petitioner is on bail as laid down by the Hon'ble Supreme Court in Sushila Aggarwal v. State(NCT of Delhi) and Anr. [2020 (1) KHC 663].

SD/- C.S.DIAS, JUDGE rmm8/8/2024

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