

Anil Kumar vs State of Kerala

Anil Kumar vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1334792

Court : Kerala

Decided On : Feb-27-2023

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Bail Appl./867/2023

Appellant : Anil Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
MONDAY, THE 27TH DAY OF FEBRUARY 2023/8TH PHALGUNA,
1944 BAIL APPL. NO.867 OF 2023 ARISING OUT OF CRIME
NO.56/2023 OF VALANCHERY POLICE STATION
PETITIONER/ACCUSED: ANIL KUMAR, AGED 47 YEARS,
MENANGATH HOUSE, IRUNILAMCODE P.O, MULLOORKARA,
WADAKKANCHERY, THRISSUR, KERALA, PIN - 680585. BY ADV.
SRI.SARATH BABU KOTTAKKAL RESPONDENT/COMPLAINANT:
STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031. BY ADV. S.SANGEETHA
RAJ, PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING

COME UP FOR ADMISSION ON 27.02.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated, this the 27th February, 2023 This is an application for regular bail moved by the sole accused in crime No.56/2023 of Valancherry Police Station.

2. Heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

3. I have perused the relevant documents forming part of the case diary placed by the learned Public Prosecutor.

4. The prosecution allegation is that at 8 hrs on 17.01.2023, the accused was found in possession of 145 Litre of Indian Made Foreign

Liquor (IMFL) in 290 plastic bottles

Kerala Abkari Act.

5. The learned counsel for the petitioner

submitted that the petitioner is innocent. Highlighting his custody from 17.01.2023 and the progress of investigation, the learned counsel pressed for grant of regular bail.

6. Whereas, the learned Public Prosecutor opposed bail on the submission that the contraband would come to 145 Litre of IMFL and the investigation is at the primitive stage. The

involvement of the petitioner in Crime No.1147/2021 alleging commission of offences under Sections 143, 147, 148, 341, 324 and 308 read with 149 IPC of Vadakkanchery Police Station is also pointed out, while strongly opposed grant of bail.

7. On perusal of the report of the Investigating Officer, the prosecution allegation is that the petitioner is a person having criminal involvement in Crime No.1147/2021 as submitted by the learned Public Prosecutor. The involvement of the petitioner in repeated crimes is noted with extreme displeasure.

8. However, having considered the progress of investigation and the petitioner's custody from 17.01.2023, he can be enlarged on bail by imposing stringent conditions and one among the

conditions is that he shall not involve or indulge in any offence during the currency of bail and any such event, if reported or came to the notice of this Court, the same alone shall be a reason to cancel the bail hereby granted. :

- i. The petitioner shall be released on bail on his executing bond for Rs.50,000/- (Rupees Fifty Thousand Only) with two solvent sureties, each for the like amount to the satisfaction of the Jurisdictional court concerned.
- ii. The petitioner shall not intimidate the witnesses or tamper with evidence. He shall co-operate with the investigation and shall be available for trial.
- iii. The petitioner shall appear before the Investigating Officer as and when directed.
- iv. The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of this case, so as to dissuade him from disclosing such facts to the court or to any police officer.
- v. The petitioner shall not involve in any other offence during the currency of bail and any such event, if informed or came to the notice of this Court, the same alone shall be a reason to cancel the bail hereby granted.

Sd/- A.BADHARUDEEN, JUDGE. ww APPENDIX OF BAIL APPL. 867/2023
PETITIONER'S ANNEXURES: ANNEXURE 1 THE TRUE COPY OF THE ORDER DATED 24-01- 2023 BY THE JUDICIAL FIRST CLASS MAGISTRATE-I, TIRUR IN CRL.M.P 265/2023. ANNEXURE A2 THE TRUE PHOTOCOPY OF THE MEDICAL CERTIFICATE OF MENTAL RETARDATION OF THE YEAR 2019. ANNEXURE A3 THE TRUE PHOTOCOPY OF THE OUT PATIENT REGISTRATION CARD DATED 11/11/2022. ANNEXURE A4 THE TRUE

PHOTOCOPY OF THE REPORT OF THE REGIONAL EARLY INTERVENTION CENTRE DATED ANNEXURE A5 THE TRUE PHOTOCOPY OF THE CERTIFICATE ISSUED BY THE INSTITUTE OF COMMUNICATIVE AND COGNITIVE NEURO SCIENCES DATED

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com