

Sinto vs State of Kerala

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Court : Kerala

Decided On : Mar-21-2023

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Bail Appl./2132/2023

Appellant : SINTO

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
TUESDAY, THE 21ST DAY OF MARCH 2023 / 30TH PHALGUNA, 1944
BAIL APPL. NO. 2132 OF 2023 CRIME NO.23/2023 OF EXCISE
RANGE OFFICE, THRISSUR PETITIONER/ACCUSED: SINTO AGED
29 YEARS, S/O. CHERIYAN, PATHIRAKATT HOUSE, NALUKETT
DESOM, KAINOOR VILLAGE, THRISSUR DISTRICT, PIN - 680014 BY
ADVS. NIKITA J. MENDEZ P.M.RAFIQ M.REVIKRISHNAN AJEESH
K.SASI SRUTHY N. BHAT RAHUL SUNIL SRUTHY K.K P.VIJAYA
BHANU (SR.) RESPONDENT/COMPLAINANT: STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, PIN - 682031 BY ADV PUBLIC PROSECUTOR

P G MANU - SR PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21.03.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated this the 21st day of March, 2023 This is a petition filed under Section 439 of the Code of Criminal Procedure, seeking bail and the petitioner is the sole accused in crime No.23/2023 of Excise Range Office, Thrissur.

2. Heard the learned counsel for the petitioner as well

as the learned Public Prosecutor. Perused the relevant materials form part of the case diary along with the report of the Investigating Officer, placed by the learned Public Prosecutor.

3. The prosecution case is that, the accused herein

possessed 21.900 litre of IMFL and 5.200 litre of Beer, for the purpose of sale, against the prohibitions contained in Kerala Abkari Act, at 09.00 am on 01.03.2023. Accordingly, the petitioner was nabbed red handedly. Pursuant to the recovery and arrest, crime was registered alleging commission of offences punishable under Sections 55(i), 55(a) and 13 r/w 63 of the Kerala Abkari Act and is on investigation.

4. The learned counsel for the petitioner submitted that, the petitioner is innocent and the allegations are false. Since the

quantity of the contraband is 21.09 litre of IMFL and 5.2 litre of Beer, the learned counsel has highlighted the progress of investigation and the custody of the petitioner from 01.03.2023 as reasons for grant of regular bail to the petitioner.

5. The learned Public Prosecutor, opposed grant of bail

and submitted that, the accused herein has involvement in one more crime viz. Crime No.81/2022 of Irinjalakuda Excise Range registered under Section 13 r/w 63 of Kerala Abkari Act on 21.06.2022. Therefore, the learned Public Prosecutor submitted that, if the petitioner would be released on bail, he would repeat similar offences. The report submitted by the learned Public Prosecutor would go to show that the investigation has achieved much progress.

6. In this matter, the contraband is only 21.09 litre of

IMFL and 5.2 litre of Beer and the petitioner has been in custody from 01.03.2023. But, continuous involvement of the petitioner in repeated crimes is noted with extreme displeasure. However, taking note of the progress of the investigation, I am inclined to enlarge the petitioner on bail on stringent conditions and one among the conditions is that, the petitioner shall not

involve in any other offence during the currency of bail hereby granted and any such event, if reported or came to the notice of this court, the same by itself shall be a reason to cancel the bail hereby granted. Therefore, this petition stands allowed. The petitioner is enlarged on bail on conditions: 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, apart from appearing before the Investigating Officer on all Mondays between 9 am and 10 am, for a period of one month. 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 reported, or came to the notice of this court, the same alone shall be a reason to cancel the bail hereby granted. Sd/- A. BADHARUDEEN SK JUDGE

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