

Johnson vs State of Kerala

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Court : Kerala

Decided On : Apr-28-2023

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Bail Appl./3287/2023

Appellant : Johnson

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
FRIDAY, THE 28TH DAY OF APRIL 2023 / 8TH VAISAKHA, 1945 BAIL
APPL. NO. 3287 OF 2023 (CR.M.P. NO.1850/2023 OF THE JUDICIAL
FIRST CLASS MAGISTRATE COURT, CHALAKUDY IN CRIME NO.
29/2023 OF MALA EXCISE RANGE, THRISSUR DISTRICT)
PETITIONER/ACUSED: 1 JOHNSON AGED 55 YEARS S/O. XAVIER,
ILLIKKAL HOUSE, VENNUR DESOM, ALATHUR VILLAGE,
CHALAKUDY TALUK, THRISSUR DISTRICT, PIN - 680741 BY ADVS.
SINDHU SANTHALINGAM ABRAHAM K GEORGE
RESPONDENTS/COMPLAINANT/STATE: 1 STATE OF KERALA REP.
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM,

PIN - 682031 2 EXCISE INSPECTOR MALA EXCISE RANGE,
THRISSUR DISTRICT, PIN - 680732 BY ADV.SMT.SEETHA S.,
PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP
FOR ADMISSION ON 28.04.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

ZIYAD RAHMAN A.A., J.

----- B.A. No.3287 of 2023
----- Dated this the 28th day of April, 2023

ORDER

The petitioner is the accused in Crime No.29 of 2023 of Mala Excise Range, Thrissur District. The offences alleged against the petitioner are under Section 58 and 67 B of the Abkari Act.

2. The prosecution case is that, on 05.04.2023 at

10.15 am, the Excise officials, upon inspection found a bag containing 4.05 litres of IMFL meant for sale in Karnataka and 1.300 litres of beer from the shed attached to the house of the petitioner and a further quantity of 2.250 litres of IMFL was also found from the vehicle bearing registration No.KL-64A-6643 parked in the premises of the house of the petitioner. The crime was registered in such circumstances and on the basis of the same, the petitioner was arrested

on the same day. Since then, he has been under judicial detention. This application is submitted for regular bail in such circumstances.

3. Heard Sri.Abraham K. George, learned Counsel appearing for the petitioner and Smt.Seetha S., the learned Public Prosecutor for the State.

4. Learned Counsel for the petitioner submits

that the petitioner is innocent of all the allegations and the case was falsely foisted against him. He further submits that he is prepared to abide by any conditions that may be imposed by this Court.

5. On the other hand, learned Public Prosecutor

would oppose the aforesaid application by pointing out that, there are serious allegations against the petitioner. It is further pointed out that the investigation is now progressing. However, it is confirmed the petitioner was not involved in any other cases.

6. I have gone through the records and heard the contentions raised from both sides. It is true that

there are allegations against the petitioner. But the fact remains that the petitioner is in custody since 05.04.2023. The article allegedly seized from the possession of the petitioner is Indian Made Foreign Liquor and there is no case for the prosecution that it is spurious in nature. The petitioner is not having any criminal antecedents as well.

7. In such circumstances, taking note of the

period of detention the petitioner had already undergone and other relevant circumstances, I deem it appropriate to pass an order allowing this application. Accordingly, it is ordered that the petitioner shall be released on bail, subject to the following conditions: i) The petitioner shall be released on bail on executing a bond for Rs.1,00,000/- (Rupees One Lakh only) with two solvent sureties for the like sum to the satisfaction of the jurisdictional Court. ii) The petitioner shall fully co-operate with the investigation.

iii) The petitioner shall appear before the Investigating Officer between 10.00 a.m and 11.00 a.m on every Wednesday until the filing of final report. iv) The petitioner shall appear before the Investigating Officer as

and when required. v) The petitioner shall not commit any offence of similar nature while on bail. vi) The petitioner shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation. vii) The petitioner shall not leave the State of Kerala without the permission of the jurisdictional court. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for

cancellation of bail, if any, and pass appropriate orders in accordance with the law.
Sd/- ZIYAD RAHMAN A.A. JUDGE

SKP/28-04 APPENDIX OF BAIL APPL. 3287/2023 PETITIONERS ANNEXURES:
ANNEXURE I A TRUE COPY OF THE BAIL APPLICATION DTD. JUDICIAL
FIRST CLASS MAGISTRATE COURT, CHALAKUDY. ANNEXURE II A TRUE
COPY OF THE ORDER DTD. 13/4/2023 IN CRL. M P NO. 1850/2023 OF THE
JUDICIAL FIRST CLASS MAGISTRATE COURT, CHALAKUDY.
RESPONDENTS' ANNEXURES:NIL TRUE COPY P.A.TO JUDGE

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