

Gireesan vs State of Kerala

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Court : Kerala

Decided On : Jun-30-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Bail Appl./4065/2023

Appellant : Gireesan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS FRIDAY, THE 30TH DAY OF JUNE 2023 / 9TH ASHADHA, 1945 CRIME NO.66/2023 OF Parappanangadi Excise Range Office, Malappuram PETITIONER/ACCUSED: GIREESAN AGED 48 YEARS S/O TEYYANKUTTY RESIDING AT PATHIYIL VEEDU, TIRURANGADI TALUK , PARAPPUR VILLAGE, MALAPPURAM, THRISSUR DISTRICT, PIN - 676306 BY ADV P.T.SHEEJISH RESPONDENT/STATE: STATE OF KERALA REPRESENTED PUBLIC PROSECUTOR, HIGH COURT OF KERALA, KOCHIN, PIN - 682031 BY ADV PUBLIC PROSECUTOR PP- SMT.NEEMA T.V. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.06.2023, THE COURT ON THE SAME DAY

DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

----- B.A.No. 4065 of 2023

----- Dated this the 30th day of June, 2023

ORDER

This is an application for pre-arrest bail filed under Section 438 of the Code of Criminal Procedure, 1973.

2. Petitioner is the accused in Crime No.66 of 2021 of Parappanangadi Excise Range, Malappuram District, alleging offences punishable under Section 8(1) and 55(g) of the Abkari Act, 1077.

3. According to the prosecution, the accused was found in possession of 1 litre of illicit liquor and wash for the purpose of sale kept in the premises of his residence and thereby committed the offences alleged.

4. I have heard Sri.P.T.Sheejish, the learned counsel for the petitioner as well as Smt.Neema T.V., the learned Public Prosecutor.

6. Smt.Neema T.V., the learned Public Prosecutor opposed the

application and submitted that custodial interrogation is essential considering the nature of the allegations. On questioning the witnesses it was revealed that the petitioner had kept the contraband for the purpose of sale and therefore he has committed a serious offence.

7. Though the contraband was siezed from the premises of

the residence of the petitioner, it was not siezed from his possession, prima facie. He was not present in the house also. Having regard to the nature of the allegations, I am of the view that limited custody of the petitioner would suffice the investigation. Accordingly, this application is allowed on the following conditions:

(a) Petitioner shall appear before the Investigating Officer on 05-07-2023 and shall subject himself to interrogation.

b) If after interrogation, the Investigating Officer proceeds to arrest the petitioner, then, he shall 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 before the Investigating Officer.

(c) Petitioner shall appear before the Investigating Officer as and when required and shall also co-operate with the investigation.

(d) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence.

(e) Petitioner shall not commit any similar offences while he is on bail.

(f) Petitioner shall not leave India without the permission of

the Court having jurisdiction. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court. BECHU KURIAN THOMAS JUDGE AJM/01/07/23

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