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Manikandan vs State of Kerala

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Court : Kerala

Decided On : Jul-31-2023

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

Appeal No. : Bail Appl./6106/2023

Appellant : Manikandan

Respondent : State of Kerala

Advocate for Pet/Ap. : Sri. Babu S. Nair

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A. MONDAY, THE 31ST DAY OF JULY 2023 / 9TH SRAVANA, 1945 [CRIME NO.620/2023 OF MANNARKKAD POLICE STATION, PALAKKAD] PETITIONER/ACCUSED: MANIKANDAN, AGED 39 YEARS, S/O.VELUSWAMY, SELVINAYAKI VEEDU, NELLIPATHI, AGALI, PALAKKAD DISTRICT, PIN-678 581. BY ADV. BABU S. NAIR RESPONDENT/STATE & COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI, PIN-682 031. 2 THE STATION HOUSE OFFICER , MANNARKKAD POLICE STATION, PALAKKAD

DISTRICT, PIN-678 582. ADV. C.S. HRITHWIK, SENIOR PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31.07.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

ORDER

Dated this the 31st day of July, 2023 This is an application filed u/s 439 of the Code of Criminal Procedure seeking regular bail.

2. The petitioner is the accused in Crime No.620/2023 of Mannarkkad Police Station, which was registered for the offences punishable under Sections 13, 63, 55(i) and 57B of the Abkari Act.

3. The prosecution case is that, on 18.07.2023, the

petitioner was found in possession of 17.800 litres of Indian Made Foreign Liquor. The petitioner was arrested on the same day, since then, he has been in judicial detention. This application for regular bail is submitted in such circumstances.

4. Heard Sri. Babu S. Nair, learned counsel for the petitioner and Sri. C.S. Hrithwick, learned Senior Public Prosecutor for the State.

5. I have carefully gone through the records. It is true that, there are specific allegations and materials against -3-

the petitioner. The contraband article was also recovered from his possession, but the fact remains that the petitioner has been in custody since 18.07.2023. There is substantial progress in the investigation. All necessary recoveries have also been affected. The prosecution does not have a case that the Indian Made Foreign Liquor recovered from the possession of the petitioner is spurious in nature. In such circumstances, taking note of the period of detention of the petitioner had undergone and also the stage of investigation, I do not find any necessity for further incarceration of the petitioner.

6. In such circumstances, this bail application is allowed and the petitioner is directed to 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 each to the satisfaction of the jurisdictional Court.

(ii) The petitioner shall fully cooperate with the investigation. -4-

(iii) The petitioner shall appear before the investigating officer between 10.00 a.m and 11.00 a.m on every Thursday until the filing of final report.

(iv) The petitioner shall also appear before the investigating officer as and when required by him.

(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 India without the permission of the trial 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 bpr -5- APPENDIX OF BAIL APPL. 6106/2023 PETITIONER'S ANNEXURES Annexure A A TRUE COPY OF THE ORDER IN C.M.P.NO.1924/2023 DATED, 19-7-2023 OF THE J.F.C.M., MANNARKKAD

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