

Babu vs State of Kerala

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Court : Kerala

Decided On : Aug-25-2023

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

Appeal No. : Bail Appl./7279/2023

Appellant : BABU

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
FRIDAY, THE 25TH DAY OF AUGUST 2023 / 3RD BHADRA, 1945 BAIL
APPL. NO. 7279 OF 2023 Crime No. 83/2021 of Excise Range Office,
Alathur PETITIONER/ACCUSED: BABU, AGED 49 YEARSS/O.CHAMI,
AALIYAKULAMBU VEEDU, AALIYAKULAMBU DESOM,
VALIPARAMBU, ALATHUR, PALAKKAD, PIN - 678541 BY ADV
V.A.JOHNSON (VARIKKAPPALLIL) RESPONDENT/STATE: STATE OF
KERALAREPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT
OF KERALA, PIN - 682031 OTHER PRESENT: SMT.S.SEETHA-SR.PP
THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
25.08.2023, THE COURT ON THE SAME DAY DELIVERED THE

FOLLOWING:

ORDER

This is an application filed under Section 439 of the Code of Criminal Procedure seeking regular bail.

2. The petitioner is the sole accused in Crime No. 83/2021 of Excise Range Office, Alathur. The offence alleged against the petitioner is punishable under Section 55(g) of the Kerala Abkari Act.

3. The prosecution case is that, On 07.06.2021 at 4.30 p.m, the petitioner was found in possession of 54 litres of Wash

for the purpose of making illicit arrack, from his house. Even though the crime was registered on the same day the petitioner was not arrested due to the restrictions in connection with the Covid-19 pandemic. Later the petitioner was arrested on 13.07.2023 and since then, he has been under judicial detention. This application for regular bail is submitted in such circumstances.

4. Heard, Sri. V.A Johnson (Varikkappallil) , the learned counsel appearing for the petitioner and Smt. Seetha S, the learned Public Prosecutor, appearing for the State.

5. I have carefully gone through the records. It is true

that, there are specific allegations against the petitioner and the recovery was also affected from his possession. However, it is a fact that, the petitioner has been in custody since 13.07.2023. Now it is reported that the investigation in this case is already over and the final report has been submitted. No criminal antecedents of the petitioner were also brought to my notice. In such circumstances, I do not find any necessity of further detention of the petitioner. Accordingly, this application is allowed on 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 appear before the trial court as and when required. iii) The

petitioner shall not commit any offence of similar nature while on bail. iv) 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. v) 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
rpk

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