

Ratheesh vs State of Kerala

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Court : Kerala

Decided On : Sep-30-2023

Judge : Honourable Mr.Justice Mohammed Nias C.P.

Appeal No. : Bail Appl./7721/2023

Appellant : Ratheesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.
SATURDAY, THE 30TH DAY OF SEPTEMBER 2023 / 8TH ASWINA,
1945 BAIL APPL. NO. 7721 OF 2023 (CRIME NO.119 OF 2023 OF
KOLLAM EXCISE RANGE OFFICE, KOLLAM) PETITIONER
RATHEESH AGED 40 YEARS S/O LATE OMANNAKUTTAN,
RESIDING AT RATHEESH BHAVANAM, PUTHUVAL PURAYIDAM,
PULLIKKADA, KOLLAM EAST VILLAGE, KOLLAM DISTRICT., PIN -
691001 BY ADV R.NIKHIL RESPONDENTS/STATE 1 STATE OF
KERALA 2 EXCISE INSPECTOR, EXCISE RANGE OFFICE, KOLLAM
OTHER PRESENT: SR.PP-SRI.P.G.MANU(MAMALASSERY) THIS
BAIL APPLICATION HAVING COME UP FOR ADMISSION ON

30.09.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

MOHAMMED NIAS C.P, J.

----- Dated this the 30th day of
September , 2023.

ORDER

Apprehending arrest in Crime No.119 of 2023 of Excise Range Office, Kollam, registered for the offence punishable under Sections 55(i) and 55(a) of the Abkari Act, the accused has filed this petition seeking pre-arrest bail.

2. The prosecution allegation is that on 28.08.2023. at

about 11.55 a.m., the accused was found in possession of 60 bottles containing 25.625 litres of Indian Made Foreign Liquor in a house bearing No.IX/254 of Kollam Corporation, 62, Santhi Nagar. Thereby, the petitioner has committed the aforesaid offences.

3. The learned counsel appearing for the petitioner and the learned Public Prosecutor were heard.

4. Taking into account the accusations levelled against the

petitioner and the criminal antecedents reported against the petitioner, I hold that the petitioner is not entitled to get anticipatory bail as it will adversely affect a proper investigation.

5. Therefore, the following directions are issued:- In the event the petitioner surrenders before the

Investigating Officer in two weeks, he shall be interrogated and thereafter, shall be produced before the Magistrate having jurisdiction on the date of surrender itself. If

the petitioner moves for bail, the court below shall, untrammelled by any of the observations in this order, consider the bail application on merits as expeditiously as possible. If the petitioner does not surrender before the Investigating Officer, as directed above, the Investigating Officer will be free to arrest the petitioner as if no

order has been passed in this case.

The bail application is disposed of as above. Sd/- MOHAMMED NIAS C.P smm
APPENDIX OF BAIL APPL. 7721/2023 PETITIONER ANNEXURES Annexure A1
A TRUE COPY OF THE CRIME AND OCCURRENCE REPORT IN 119/2023 OF
KOLLAM EXCISE RANGE

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