

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./7948/2023

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. 7948 OF 2023 CRIME NO.179 OF 2023 OF
AGALI EXCISE RANGE OFFICE, PALAKKAD PETITIONER/ACCUSED:
RATHEESH, AGED 39 YEARS S/O. SASI, KAITHAKUZHI HOUSE,
KALLAMALA VILLAGE, ATTAPADI TALUK, PALAKKAD DISTRICT, PIN
- 678582 BY ADVS. P.MOHAMED SABAH LIBIN STANLEY SAIPOOJA
SADIK ISMAYIL R.GAYATHRI M.MAHIN HAMZA ALWIN JOSEPH

RESPONDENT/COMPLAINANT & STATE : 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, PIN - 682031 2 THE EXCISE INSPECTOR

EXCISE RANGE OFFICE, AGALI, PALAKKAD DISTRICT,, PIN - 678581
SR.PP-SMT.T.V.NEEMA 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

This application is filed under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail.

2. The petitioner is the accused in Crime No. 179/2023 of Excise Range Office, Agali, Palakkad District, for having allegedly committed an offence punishable under Section 58 of the Abkari Act.

3. The allegation against the petitioner is that, on 10.09.2023 at about

6.40 a.m., the second respondent seized 25 litres of Indian Made Foreign Liquor imported from Pondicherry, which cannot be sold in Kerala from a shed behind the residence of the petitioner herein and thereby committed the offence.

4. The learned counsel appearing for the petitioner would say that the

petitioner is innocent and falsely implicated with ulterior motives. At any rate, he points out that the petitioner is in custody from 10/09/2023, and continued custody of the petitioner is unnecessary.

5. The learned Public Prosecutor opposed the petition.

6. After having considered the submissions of the learned counsel for

the petitioner and the learned Public Prosecutor, the accusations against the petitioner, the fact that he has been in custody since 10/09/2023, that there are no antecedents, that there is no apprehension raised by the prosecution that if released on bail, the petitioner is likely to abscond I hold that bail can be granted to the petitioner. Accordingly, this application is allowed, and the petitioner is

granted bail subject to the following conditions:-

1. The petitioner shall be released on bail on executing a bond for Rs.50000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court;
2. The petitioner shall report before the Investigating Officer as and when directed;
3. The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses;
4. The petitioner shall not be involved in any other crime while on bail.
5. If any of the conditions are violated, the court concerned will be empowered to take steps for cancellation of bail as per law. Sd/-MOHAMMED NIAS C.P. JUDGE
dlk 30.9.2023

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