

Deepu vs State of Kerala

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Court : Kerala

Decided On : Oct-17-2023

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

Appeal No. : Bail Appl./8821/2023

Appellant : DEEPU

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.
TUESDAY, THE 17TH DAY OF OCTOBER 2023 / 25TH ASWINA, 1945
BAIL APPL. NO. 8821 OF 2023 CRIME NO.181/2023 OF
PATHANAPURAM EXCISE RANGE OFFICE, KOLLAM
PETITIONER/ACCUSED: DEEPU AGED 42 YEARS, S/O DIVAKARAN,
BHAVANAM,OLD HOSPITAL JUNCTION , PATTAZHY VADAKKEKARA
VILAGE, PATHANAPURAM TALUK, KOLLAM DISTRICT, PIN - 691526
BY ADV NAHAS H. RESPONDENT/COMPLAINANT: STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, PIN - 682031 SRI.P.G.MANU(MAMMALASSERY), SR.PP
THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON

17.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

MOHAMMED NIAS C.P., J.

----- B.A.No. 8821/2023 ----- Dated this the
17th day of October, 2023

ORDER

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

2. The petitioner is the accused in Crime No.181/2023 of the Pathanapuram Excise Range Office, Kollam District, for having allegedly committed offences punishable under Section 55(a) of the Abkari Act.

3. The prosecution case is that on 1.10.2023 at about 7:45 AM

at the temporary shed which is situated in the back side of the house named Deepu Bhavanam Veedu Bearing Bo VI/277 at Pattazhhy Vadakkekara, where the petitioner is residing, Excise Inspector and party, found the petitioner in possession of 6 litres of Indian Made Foreign Liquor in 12 bottles which is kept for the purpose of sale and thereby committed the offence.

4. The learned counsel appearing for the petitioner would say that the petitioner is totally innocent and falsely implicated with ulterior motives. At any rate, he points out that the petitioner is in custody since ..3..

5. The learned Public Prosecutor opposed the petition.

6. After having considered the submissions of the learned

counsel for the petitioner and learned Public Prosecutor, the fact that he has been in custody since 01/10/2023, also since 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, taking into account the quantity involved and

that no other criminal antecedents have been reported against the petitioner.

Accordingly, this application is allowed, and the petitioner is granted bail subject to the following conditions:-

(i) The petitioner shall be released on bail on executing a bond for Rs.25000/- (Rupees Twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court;

(ii) The petitioner shall report before the Investigating Officer as and when directed

(iii) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses;

(iv) The petitioner shall not be involved in any other crime while on

bail. ..4.. 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 APA

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