SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Mohandas vs State of Kerala

Mohandas vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1398682

Court : Kerala

Decided On : Nov-01-2023

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

Appeal No. : Bail Appl./9236/2023

Appellant : Mohandas

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P. WEDNESDAY, THE 1ST DAY OF NOVEMBER 2023 / 10TH KARTHIKA, 1945 BAIL APPL. NO. 9236 OF 2023 CRIME NO.23/2021 OF TIRUR EXCISE CIRCLE OFFICE, MALAPPURAM

PETITIONER/ACCUSED: MOHANDAS AGED 53 YEARS S/O.KRISHNAN. KAZHUTHALLUR,KAMMAMCHERY, KUTTIPPURAM VILLAGE,TIRURTALUK, MALAPPURAM., PIN - 679571 BY ADVS. K.P.SHEREEF H.NUJUMUDEEN RESPONDENTS/COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2 THE EXCISE CIRCLE INSPECTOR TIRUR EXCISE CIRCLE

OFFICE,TIRUR.P O, MALAPPURAM DISTRICT, PIN - 676101 OTHER PRESENT: SMT. T.V. NEEMA, SR.PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01.11.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O R D E R

This application is filed under Section 438 of the Code of Criminal Procedure seeking pre-arrest bail.

2. The petitioner is the accused in Crime No.23/2021 of Tirur Excise Circle Office, Malappuram, registered for offences punishable under Section 58 of the Abkari Act.

3. The prosecution allegation is that on 10-05-2021 at about 11:40 am the petitioner was detected violating law relating to Abkari Act and the accused has committed the offence mentioned above.

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

5. After hearing the learned counsel for the petitioner and

the learned Public Prosecutor and considering the fact that the allegations are under the Abkari Act and also the impact of Section 41A of Abkari Act, I am of the view that the petitioner is not entitled to get anticipatory bail as it might affect a proper investigation. 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. JUDGE shg

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com