

Jayakumar.S vs State of Kerala

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Court : Kerala Orders

Decided On : Dec-26-2023

Judge : Honourable Mr.Justice P.G. Ajithkumar

Appeal No. : Bail Appl./10745/2023

Appellant : Jayakumar.S

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR
TUESDAY, THE 26TH DAY OF DECEMBER 2023 / 5TH POUSHA,
1945 BAIL APPL. NO. 10745 OF 2023 CRIME NO.94/2023 OF
KATTAKKADA EXCISE RANGE OFFICE, THIRUVANANTHAPURAM
PETITIONER/ACCUSED:

JAYAKUMAR.S AGED 43 YEARS S/O SASI.S, CHIRAYIL PUTHEN
VEEDU, MYLAKKARA P.O., KALLIKKAD, THIRUVANANTHAPURAM
DISTRICT, PIN - 695572. BY ADV LATHEESH SEBASTIAN
RESPONDENT/STATE & COMPLAINANT: STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF

KERALA, PIN - 682031. SMT. SEETHA. S, SR.PUBLIC PROSECUTOR
THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
26.12.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

P.G. AJITHKUMAR, J.

----- Dated this the 26th day of
December, 2023

ORDER

This is an application for anticipatory bail filed under Section 438 of the Code of Criminal Procedure, 1973.

2. The petitioner is the accused in crime No.94 of 2023 of Kattakkada Excise Range, Thiruvananthapuram. The offence alleged against the petitioner is punishable under Section 55(i) of the Abkari Act.

3. The prosecution allegation is that the petitioner

was found in possession of 3.6 liters of Indian Made Foreign Liquor(IMFL) at about 8.30 A.M on 16.11.2023. He was found in a byroad starting from Kanikkonam - Thevankode Road. It is alleged that he possessed liquor for the purpose of sale.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. The learned counsel for the petitioner would contend that the petitioner is innocent, and he has no criminal antecedents. Therefore, the learned counsel submits that the petitioner may be granted anticipatory bail.

6. The learned Public Prosecutor placed on record a report of the investigating officer. It is reported that the petitioner has involved in three other cases namely crime Nos. those cases final reports were already filed.

7. The learned Public Prosecutor would submit that

the petitioner having been involved in other crimes and his involvement in the present crime is established from the investigation, his arrest and interrogation are required for the investigation to be taken to its logical end. Therefore, the learned Public Prosecutor opposes the grant of anticipatory bail to the petitioner.

8. Going by the case of the prosecution, and as is

seen from the materials on record, complicity of the petitioner to the crime is quite evident. It cannot be said at this stage that the petitioner is innocent and has not involved in the crime. In view of that matter, custodial interrogation appears necessary. Further, the bar contained in Section 41A of the Abkari Act is attracted to this case. Hence, the petitioner is not entitled to get anticipatory bail. The bail application is dismissed. Sd/- P.G. AJITHKUMAR, JUDGE AP/DKR APPENDIX OF BAIL APPL. 10745/2023 PETITIONER ANNEXURES Annexure 1 TRUE COPY OF THE CRIME AND OCCURRENCE REPORT IN CRIME NO.94/2023 OF KATTAKKADA EXCISE RANGE

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