

Ajayakumar.C vs State of Kerala

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Court : Kerala

Decided On : Dec-22-2023

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

Appeal No. : Bail Appl./11271/2023

Appellant : Ajayakumar.C

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.
FRIDAY, THE 22ND DAY OF DECEMBER 2023 / 1ST POUSHA, 1945
BAIL APPL. NO. 11271 OF 2023 CRIME NO.79/2023 OF BANDADKA
EXCISE RANGE, KASARGOD PETITIONER/ACCUSED:
AJAYAKUMAR C., AGED 43 YEARS, SON OF LATE KANNAN.C,
THERUVATHU HOUSE, KUTTIKKOL DESOM, KUTTIKKOL VILLAGE,
KASARAGOD TALUK, KASARAGOD DISTRICT, PIN - 671541. BY
ADVS.M/S.A.ARUNKUMAR, S.SHYAM KUMAR & SACHIN GEORGE
ARAMBAN RESPONDENT/STATE: STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - 682031. SRI. M.C. ASHI, P.P. THIS BAIL APPLICATION

HAVING COME UP FOR ADMISSION ON 22.12.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

MOHAMMED NIAS C. P. , J.

===== B. A. No. 11271 of 2023
===== Dated this the 22nd day of
December, 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. 79/2023 Bandadukka Excise Range, Kasaragod, registered for having committed an offence punishable under Section 55(i) of the Abkari Act.

3. The allegation against the petitioner is that, on 11.12.2023 at

7.45 pm, near Kottiyam Smaraka Bus Waiting shed on Kanathur Kuttikol road at Pallathupara in Kuttikol Village, the accused was found in possession of 6 litres of IMFL for the purpose of sale and thereby, he committed the offence alleged against him.

4. The learned counsel appearing for the petitioner would submit that the petitioner is totally innocent and has been falsely implicated with ulterior motives. At any rate, he points out that the petitioner is in custody from 11.12.2023, and the continued custody of the petitioner is unnecessary.

5. The learned Public Prosecutor opposed the petition and points out that the petitioner is not entitled to bail.

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

the petitioner and learned Public Prosecutor and considering the nature of the offence committed by the petitioner and the fact that he has been in custody since

11.12.2023 and 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. It is also to be noted 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.50,000/- (Rupees Fifty 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.

(v) If any of the conditions are violated, the jurisdictional court

concerned will be empowered to take steps for cancellation of bail as per law. Sd/-
MOHAMMED NIAS C. P., JUDGE MMG APPENDIX OF BAIL
APPL.NO.11271/2023 PETITIONER'S ANNEXURE: ANNEXURE AI A TRUE
COPY OF THE ARREST INTIMATION GIVEN TO THE LEGAL AID COUNSEL

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