

Paulson vs State of Kerala

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Court : Kerala

Decided On : Dec-29-2023

Judge : Honourable Mr. Justice C.Pratheep Kumar

Appeal No. : Bail Appl./11334/2023

Appellant : Paulson

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR
FRIDAY, THE 29TH DAY OF DECEMBER 2023 / 8TH POUSHA, 1945
CRIME NO.133/2023 OF CHALAKUDY Excise Range Office, Thrissur
AGAINST THE ORDER IN CRL.MP 7039/2023 OF JUDICIAL
MAGISTRATE OF FIRST CLASS - I, CHALAKUDY
PETITIONER/ACCUSED: PAULSON, AGED 62 YEARS S/O.ANTHONY,
ACHADAN HOUSE, PILLAPPARA DESOM, ATHIRAPPILLY VILLAGE,
CHALAKUDY TALUK, THRISSUR DISTRICT, PIN - 680724. BY ADV
N.L.BITTO RESPONDENT/STATE/COMPLAINANT: STATE OF
KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, PIN - 682031 SRI.NOUSHAD K.A., PP THIS BAIL

APPLICATION HAVING COME UP FOR ADMISSION ON 29.12.2023,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -2-

C.PRATHEEP KUMAR, J.

----- Bail Application No.11334 of 2023
----- Dated this the 29th day of December,
2023

ORDER

1. This is an application for regular bail filed under Section 439 Cr.P.C by the sole accused involved in Crime No.133 of 2023 of the Chalakudy Excise Range, Thrissur District. The offences alleged against the petitioner are under Sections 55(i), 13 and 63 of the Abkari Act.
2. The Prosecution case is that on 14.12.2023 at about 8.10 p.m., the petitioner was found in possession of 18 litres of Indian Made Foreign Liquor near the beverages Corporation, Chalakudy and was arrested by the de facto complainant. The accused has been in custody since 14.12.2023.
3. According to the learned counsel for the petitioner, this is a false case foisted against him and also that he is innocent.
4. On the other hand, the learned Public Prosecutor opposed the application. However it was conceded that there is no other case against the petitioner.
5. Considering the fact that the petitioner is in custody since 14.12.2023 and there
-3- is no criminal antecedents against the petitioner, I am inclined to allow this application, subject to the following conditions :-
 - (i) The petitioner is released on bail on executing bond for Rs.50,000/- (fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the Court below.

(ii) The petitioner shall report before the Investigating Officer on every Tuesday between 10.00 am and 11.00 am till the final report is filed or till the end of January, 2024, whichever is earlier.

(iii) The petitioner shall co-operate with the investigation. He shall not intimidate or influence the witnesses or tamper with the evidence.

(iv) The petitioner shall not involve himself in similar offence

while on bail. Sd/- C.Pratheep Kumar akv Judge -4- APPENDIX OF BAIL APPL. 11334/2023 PETITIONER ANNEXURES ANNEXURE 1 A TRUE COPY OF THE OCCURRENCE REPORT IN CRIME NO. 133 OF 2023 OF THE CHALAKUDY EXCISE RANGE DATED 15/12/2023 ANNEXURE 2 A TRUE COPY OF THE ORDER IN CRL.MP.7039 OF 2023 OF THE JFCM CHALAKUDY DATED 16/12/2023 ANNEXURE 3 A TRUE COPY OF THE BAIL OBJECTION REPORT IN CRIME NO. 133 OF 2023 OF THE CHALAKUDY EXCISE RANGE DATED 16/12/2023

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