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**Rajan vs State of Kerala**

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**SooperKanoon Citation** : sooperkanoon.com/1438724

**Court** : Kerala

**Decided On :** Dec-22-2023

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

**Appeal No.** : Bail Appl./11347/2023

**Appellant** : RAJAN

**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. 11347 OF 2023 CRIME NO.104/2023 OF WADAKKANCHERRY EXCISE RANGE OFFICE, THRISSUR

PETITIONER/ACCUSED: RAJAN, AGED 65 YEARS, S/O CHINNAN, KALATHUVEETTIL HOUSE, KADANGODE, MANDAN PARAMBU DESOM, KADANGODE VILLAGE, THRISSUR DISTRICT, PIN - 680584. BY ADVS. M/S.ANAND KALYANAKRISHNAN & C.DHEERAJ RAJAN RESPONDENT/STATE: STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM,

PIN - 682031. SMT. T.V. NEEMA, SR.PP 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. 11347 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. 104/2023 Wadakkanchery Excise Range, Thrissur district, registered for having committed offences punishable under Sections 55(i) & 13 r/w 63 of the Abkari Act.

3. The allegation against the petitioner is that, on 13.12.2023, the

accused was found in possession of 6 litre IMFL in front of the house of the accused for the purpose of sale, and thereby, he committed offences 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 13.12.2023, 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 offences committed by the petitioner and the fact that he has been in custody

since 13.12.2023 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.11347/2023 PETITIONER'S ANNEXURE: ANNEXURE 1 THE TRUE COPY OF THE ORDER DATED 15.12.2023 IN CMP NO. 5952/2023 PASSED BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT, WADAKKANCHERY

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