

Gopalakrishnan, vs State of Kerala,

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Court : Kerala

Decided On : Feb-08-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./133/2022

Appellant : Gopalakrishnan,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
TUESDAY, THE 8TH DAY OF FEBRUARY 2022 / 19TH MAGHA, 1943
BAIL APPL. NO. 133 OF 2022 Crime No.27/2021 of Mala Excise Range
office PETITIONER/ACCUSED: GOPALAKRISHNAN, AGED 51 YEARS
S/O. BALAN, KADEPARAMBIL HOUSE, PERINGANAM P.O,
THIRUMUKKULAM VILLAGE, THRISSUR. BY ADVS. M.SHAJU
PURUSHOTHAMAN K.S.RAJESH RESPONDENTS: 1 STATE OF
KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH
COURT OF KERALA, ERNAKULAM. 2 THE EXCISE INSPECTOR,
MALA EXCISE RANGE, MALA, PIN 680 715. OTHER PRESENT: ADV
ASHI -P.P THIS BAIL APPLICATION HAVING COME UP FOR

ADMISSION ON 08.02.2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: B.A. No.133/2022 -2-

ORDER

The petitioner is the accused in Crime No.27/2021 of Mala Excise Range office, Thrissur alleging commission of offence under Section 55 (g) of the Kerala Abkari Act.

2. The allegation against the petitioner is that on 27-05-2021 he was found in possession of 60 litres of wash together with the utensils for distilling arrack.

3. The learned counsel for the petitioner submits that the petitioner

is absolutely innocent in the matter. It is submitted that there was no recovery of the contraband from the possession of the petitioner. It is submitted that the petitioner has been wrongly identified and roped in by the excise department. It is submitted that the custodial interrogation of the petitioner is not necessary in the facts and circumstances of the case.

4. The learned Public Prosecutor taken me through the materials

appearing against the petitioner and submits that the grant of bail to the petitioner may not be conducive as there is every chance the offence being repeated if the petitioner is granted anticipatory bail.

5. Having regard to the facts and circumstances of the case and

considering the nature of the allegations against the petitioner and also considering the fact that custodial interrogation may not be necessary for the purpose of any investigation, I am of the view that the petitioner can be granted bail subject to conditions. B.A. No.133/2022 -3- In the result, this bail application is allowed. It is directed that the petitioner shall be released on bail, in the event of arrest in connection with Crime No.27/2021 of Mala Excise Range subject to the following conditions:-

(i) Petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court;

(ii) Petitioner shall appear before the Investigating officer in Crime No.27/2021 of Mala Excise Range at 9 a.m on every Saturday until filing of final report in the aforesaid crime;

(iii) Petitioner shall not attempt to interfere with the investigation or to influence or intimidate any witness in Crime No.27/2021 of Mala Excise Range;

(iv) Petitioner shall not involve in any other crime while on bail. If any of the aforesaid conditions are violated, the Investigating officer in Crime No.27/2021 of Mala Excise Range may file an application before the jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE AMG

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