

Sankaran vs State of Kerala

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Court : Kerala

Decided On : Feb-07-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./729/2022

Appellant : Sankaran

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
MONDAY, THE 7TH DAY OF FEBRUARY 2022 / 18TH MAGHA, 1943
BAIL APPL. NO. 729 OF 2022 CRIME NO.144/2021 OF IRINJALAKUDA
EXCISE RANGE OFFICE PETITIONER/ACCUSED: SANKARAN AGED
68 YEARS SANKARAN, AGED 68, SON OF RAMAN, THATHAMPILLI
HOUSE, THAZHEKAD DESOM, THAZHEKAD VILLAGE, CHALAKUDY
TALUK, THRISSUR DISTRICT THRISSUR, PIN - 680697 BY ADV
V.BINOY RAM RESPONDENT/S: STATE OF KERALA REPRESENTED
BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM,
PIN - 682031 BY ADV PUBLIC PROSECUTOR ADV SEETHA S-PP
THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON

07.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BAIL APPL. NO. 729 OF 2022 2

ORDER

This is an application for regular bail.

2. Petitioner is the accused in Crime No.144/2021 of Irinjalakuda Excise Range, alleging commission of offences under Section 8 (2) r/w. 8(1) and 55(g) of the Kerala Abkari Act.

3. Allegation against the petitioner is that, on

27.12.2021, the petitioner was found in possession of 500 ml of arrack and 30 litres of wash, which was seized from the shed situated at the western side of his house, within the local limits of Aloor Grama Panchayat.

4. Learned counsel appearing for the petitioner submits that the petitioner is absolutely innocent in the matter. It is

submitted that the petitioner is a practicing Ayurveda Parambarya Vaidyan and his ancestors were also parambarya vaidyans. It is submitted that the petitioner is falsely implicated in the matter and that the recovery is not from the possession of the petitioner. It is submitted that the petitioner has been in custody from 27.12.2021 and his continued detention is not necessary for the purpose of any investigation.

5. I have heard the learned Public Prosecutor also. Learned Public Prosecutor has pointed the circumstances BAIL APPL. NO. 729 OF 2022 3

appearing against the petitioner from the records. It is submitted that the contraband was recovered from the shed adjoining to the house of the petitioner and that the petitioner cannot take up any contention that the recovery of the contraband was not from his possession. It is submitted that the petitioner is not entitled to be released on bail.

6. Considering the facts and circumstances of the case

and considering the fact that petitioner has been in custody from 27.12.2021 and also considering the fact that his continued detention is not necessary for the purpose of any investigation, I am of the opinion that the petitioner can be released on bail subject to strict conditions. Accordingly, this application for bail is allowed and it is directed that the petitioner shall be released on bail subject to the following conditions:-

(i) The petitioner shall execute 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. 144/2021 of Irinjalakuda Excise Range on every Saturday at 11 am until filing of final report;

(iii) The petitioner shall not attempt to interfere with the investigation or to influence or intimidate any witness in Crime BAIL APPL. NO. 729 OF 2022 4 No.144/2021 of Irinjalakuda Excise Range;

(iv) The 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. 144/2021 of Irinjalakuda Excise Range may file an application before the jurisdictional court, for cancellation of bail. sd/- GOPINATH P. JUDGE ajt

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