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Soman vs State of Kerala

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Court : Kerala

Decided On : Apr-27-2021

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : Crl.MC/1882/2021

Appellant : SOMAN

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS TUESDAY, THE 27TH DAY OF APRIL 2021 / 7TH VAISAKHA, 1943 Crl.MC.No.1882 OF 2021(E) AGAINST CP 19/2021 OF JUDICIAL MAGISTRATE OF FIRST CLASS, VADAKARA CRIME NO.45/2017 OF Vadakara Excise Range Office , Kozhikode PETITIONER/ACCUSED SOMAN. AGED 55 YEARS S/O.POKKAN, CHALI PARAMBATH HOUSE, MANDARATHUR, VATAKARA TALUK, KOZHIKODE DISTRICT, PIN - 673 105. BY ADV. SRI.ZUBAIR PULIKKOOL

RESPONDENTS/COMPLAINANT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF

KERALA, ERNAKULAM - 682 031. SMT.SHYLAJA.S.L, PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27.04.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.S DIAS,J.

---------- Crl.M.C No.1882 of 2021 ----------

Dated this the 27th April, 2021.

ORDER

The petitioner is the accused in C.P.No.19/2021 on the file of the Judicial First Class Magistrate Court, Vadakara. C.P No.19/2021 originated from Crime No.45/2017 of the Vadakara Excise for an offence punishable under Section 8(1) of the Kerala Abkari Act. The Investigating Officer conducted the investigation and has filed Annexure-1 final report.

2. It is the case of the petitioner that the allegation in Annexure-A1 final report are false and fabricated. The petitioner has not absconded as alleged

in the final report. He has been residing with his familyin the

warrant of arrest is pending against the petitioner, he apprehends that he will be remanded to judicial custody by the learned Magistrate, if he appears before the Court to get himself enlarged on bail. Hence, a direction may be issued to the Judicial First Class Magistrate, Vadakara to release the petitioner on his surrender before the said Court.

3. Considering the limited relief that has been sought for in the petition, I am inclined to dispose of the Crl.M.C by passing the following directions:

(i) The petitioner is at liberty to surrender before the Judicial First Class Magistrate Court, Vadakara in C.P.19/2021 and move an application for bail with notice to the learned Public Prosecutor.

(ii) In the event of the petitioner filing such

an application, the learned Magistrate, may preferably on the date of surrender itself, consider the bail application and pass appropriate orders thereon, in accordance with law.

(iii) In order to provide the petitioner an opportunity to surrender and seek bail, the non- bailable warrant issued against the petitioner shall be kept in abeyance for a period of two weeks from today.

ma/27.04.2021 Sd/- C.S.DIAS, JUDGE /True copy/ APPENDIX PETITIONER'S/S EXHIBITS: ANNEXURE I CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.45/2017 OF VADAKARA EXCISE.

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