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Jyothishkumar vs State of Kerala

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Court : Kerala

Decided On : May-28-2021

Judge : Honourable Mr. Justice B.Sudheendra Kumar

Appeal No. : Bail Appl./3189/2021

Appellant : Jyothishkumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR FRIDAY, THE 28TH DAY OF MAY 2021 / 7TH JYAISHTA, 1943 BAIL APPL. NO. 3189 OF 2021 CRIME NO.49/2020 OF Chelannur Excise Range Office, Kozhikode PETITIONER/S: JYOTHISHKUMAR AGED 51 YEARS KARAYITHINGAL HOUSE, MADAVOOR AMSOM, MUTTACHERI DESOM KOZHIKODE, PIN - 673555 BY ADVS. M.B.SHYNI SHRI.PRASANTH K.T. RESPONDENT/S: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 BY ADV PUBLIC PROSECUTOR, SMT M K PUSHPALATHA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28.05.2021, THE COURT ON

THE SAME DAY DELIVERED THE FOLLOWING: -2-

ORDER

The petitioner is the accused in Crime No.49 of 2020 of Chelannur Excise Range registered for the offence punishable under Section 55(g) of the Abkari Act on the allegation that on 11.4.2020 at about 11.30 a.m., the petitioner was found in possession of 60 litres of wash in his house, in contravention of the provisions of the Abkari Act.

2. The petitioner has filed this application praying for the relief under Section 438 Cr.P.C.

3. Heard.

4. The learned Public Prosecutor has no serious

objection in allowing this application. It has been submitted by the learned Public Prosecutor that the petitioner is not involved in any other offence of similar nature. Considering the facts and circumstances of the case, including the fact that the petitioner is a first time offender and the submission of the learned Public Prosecutor, I am inclined to grant pre-arrest bail to the petitioner. -3- In the result, this application stands allowed and the

petitioner shall be enlarged on bail in the event of his arrest in connection with crime No.49 of 2020 of Chelannur Excise Range on condition of the petitioner executing a bond for Rs.35,000/-(Rupees thirty five thousand only), with two solvent sureties, each for the like sum to the satisfaction of the Station House Officer concerned, before whom the petitioner shall surrender within twenty days, if not arrested in the meantime and subject to the following conditions:

(i) The petitioner shall report before the Investigating Officer as and when required by the Investigating Officer for interrogation.

(ii) The petitioner shall not get involved in any other offence of similar nature during the pendency of this case.

(iii) The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation. sd B. SUDHEENDRA KUMAR, JUDGE. dl/

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