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Shaju vs State of Kerala

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Court : Kerala

Decided On : Jul-29-2021

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Bail Appl./4074/2021

Appellant : SHAJU

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL THURSDAY, THE 29TH DAY OF JULY 2021 / 7TH SRAVANA, 1943 BAIL APPL. NO. 4074 OF 2021 IN CRIME NO.46/2021 OF THANKAMANY EXCISE RANGE, IDUKKI. PETITIONER/ACCUSED: SHAJU AGED 40 YEARS S/O. THOMAS, NJARAKAL HOUSE, IDUKKI THALUK, IDUKKI VILLAGE, IDUKKI DISTRICT 685 602 BY ADV BINU PAUL (K/332/2005)-12479 RESPONDENTS/STATE & COMPLAINANT: STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, KOCHI 682 031 BY.ADV.PP.SMT.SREEJA V THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.07.2021, THE COURT ON THE SAME DAY DELIVERED THE

FOLLOWING:

ORDER

The petitioner is the sole accused in Crime No.46/2021 of Thankamany Excise Range in Idukki district, which was registered alleging offence punishable under Sections 8(2) and 55(g) of the Abkari Act, after seizing arrack and wash from the residence of the petitioner.

2. The learned counsel for the petitioner submits that he has no criminal antecedents to his credit, that he is a widower; he has to look after his minor girl child and is prepared to co-operate with the investigation.

3. The learned Public Prosecutor has submitted that 2.5 litres of

arrack and 50 litres of wash were seized from the possession of the petitioner, but he could not be arrested. Any how, he does not have criminal antecedents to his credit.

4. The contrabands have already been seized under a mahazar.

In the nature of the allegations, his custodial interrogation is not necessary. He has no criminal antecedents to his credit. Moreover, Offence under Sections 8(2) and 55(g) of the Abkari Act do not prescribe any statutory minimum substantive sentence and hence, the

embargo under Section 41A of the Abkari Act is not attracted. Therefore, the petitioner is at liberty to surrender before the Investigating Officer within ten days from today and make himself available for interrogation. In the event of arrest, he shall be released on bail on executing bond for Rs.50,000/-(Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer; shall co-operate with the investigation, shall not try to contact or influence the witnesses or tamper with the evidence and shall not involve in any crime during the period on bail. Bail application is allowed as above. Sd/-

K.HARIPAL JUDGE Jms/29.07 //True Copy// P.A to Judge

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