

Anandan vs State of Kerala

Anandan vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1678148

Court : Kerala

Decided On : Sep-30-2021

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : Bail Appl./7420/2021

Appellant : Anandan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V.
THURSDAY, THE 30TH DAY OF SEPTEMBER 2021 / 8TH ASWINA,
1943 BAIL APPL. NO. 7420 OF 2021 CRIME NO.143/2021 OF
Chelannur Excise Range Office, Kozhikode AGAINST THE ORDER IN
CMP 1866/2021 OF JUDICIAL MAGISTRATE OF FIRST CLASS -III,
KOZHIKODE PETITIONER/ACCUSED: ANANDAN, AGED 65 YEARS
S/O.VELUMBAN, R/AT KANNYATT MEETHAL HOUSE, PULLALUR
DESOM, MADVOOR VILLAGE, KOZHIKODE TALUK BY ADVS.
A.ARUNKUMAR S.SHYAM KUMAR
RESPONDENT/COMPLAINANT/STATE: STATE OF KERALA REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM

682 031 SR. PP SMT. SREEJA V THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.09.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated this the 30th day of September, 2021 The petitioner, who is the sole accused in Crime No. 143 of 2021 of Excise Range, Chelannur, registered for the offence punishable under Section 55(g) of the Kerala Abkari Act has filed this application for his release on bail.

2. The prosecution case is that on 09.09.2021 at about

1.10 p.m., this petitioner was found in possession of 15 litres of wash kept near the wash room of a house bearing No. 52 at Madavoor Village, in contravention of the provisions of the Kerala Abkari Act. Thus, this case has been registered against him.

3. The petitioner has been in custody since 09.09.2021.

4. The learned Public Prosecutor has no case that this petitioner is having any criminal antecedents. The records would also reveal that the investigation of the crime has progressed considerably.

5. Having regard to the period of detention undergone by the petitioner in judicial custody, the quantity of the contraband involved, the present stage of investigation as well the other

facts and circumstances involved, I am inclined to release him on

bail. Therefore, this application is allowed subject to the following conditions:

(i) The petitioner shall be released on bail on his executing a

bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties for the like sum each to the satisfaction of the court having jurisdiction.

(ii) The petitioner shall appear before the Investigating Officer for interrogation as and when required by him, in writing.

(iii) The petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such

facts to the court or to any police officer or tamper with the
evidence.

(iv) The petitioner shall not commit any offence while on bail.

In case of violation of any of the above conditions, the jurisdictional court is empowered to cancel the bail in accordance with the law. Sd/- SHIRCY V. JUDGE
sb

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com