

Ninal vs State of Kerala

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Court : Kerala

Decided On : Sep-30-2021

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : Bail Appl./7446/2021

Appellant : NINAL

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 AGAINST THE ORDER/JUDGMENT IN CRMC 1430/2021 OF
DISTRICT COURT & SESSIONS COURT, THRISSUR, THRISSUR
CRIME NO.55 OF 2021 OF KOLAZHI EXCISE RANGE, THRISSUR
DISTRICT PETITIONER/ACCUSED :- NINAL AGED 37 YEARS
S/O.SUBRAMANIAN, NJALLERI HOUSE, M.G.KAVU, KONCHERY
ROAD, DESOM, KILLANNUR VILLAGE, THRISSUR. BY ADVS.
V.P.PRASANTH GEORGE BRISTON PREEJA V.P.
RESPONDENT/COMPLAINANT :- STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF

KERALA, ERNAKULAM, KOCHI-682031. SMT.SREEJA.V- SR.PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.09.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Application for regular bail.

2. The petitioner who is the sole accused in Crime No.55 of 2021 of the Kolazhy Excise Range, Thrissur registered for the offences punishable under Sections 8(1) & (2), 55 (a) & 67B of the Kerala Abkari Act, has moved this application for his release on bail.

3. The prosecution allegation is that on 29.08.2021 at about 12.30 pm this petitioner was found in possession and concealed 3 litres of arrack and 6 litres of Indian Made Foreign Liquour in his TVS Scooter bearing registration No.KL-48/N 9476, parked in front of the courtyard of his house, in contravention of the provisions of the Abkari Act. Thereby, he has been booked for the aforesaid offences.

4. The petitioner has been in custody since 29.08.2021.

5. Heard the learned counsel for the petitioner as well the learned Public Prosecutor.

6. The learned counsel for the petitioner would submit that he has not committed any offence as alleged by the prosecution.

7. The learned Public Prosecutor has submitted that the petitioner has no criminal antecedents and now the investigation of the case has progressed considerably. Having regard to the nature of accusation levelled against this petitioner, the present stage of investigation, the period of detention undergone

by him in judicial custody, as well the other facts

and circumstances involved in this case, I am inclined to release him on bail subject to the following conditions :-

(i) The petitioner shall be released on bail on

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) He 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 learned Magistrate/Judge is empowered to cancel the bail in accordance with the law. Sd/-
SHIRCY V. JUDGE SMA

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