

Udayakumar vs State of Kerala

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Court : Kerala

Decided On : May-29-2020

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./3099/2020

Appellant : Udayakumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON FRIDAY, THE 29TH DAY OF MAY 2020 / 8TH JYAISHTA, 1942 Bail Appl.No.3099 OF 2020 CRIME NO.791/2020 OF Kadakkal Police Station , Kollam PETITIONERS/A3 & A4:

1 UDAYAKUMAR AGED 51 YEARS SON OF KUNJUKRISHNAN, KOCHUPADINJATTATHIL HOUSE, ATTUPURAM, KADAKKAL VILLAGE, KOTTARAKKARA TALUK, KOLLAM DISTRICT-691 536. 2 BIJU, AGED 39 YEARS SON OF SATHYAVRATHAN, KOUSTHUBHAM HOUSE, KARIYAM, EDATHARA P.O., KADAKKAL VILLAGE, KOTTARAKKARA TALUK, KOLLAM DISTRICT-691 536. BY ADV.

SRI.S.R.SREEJITH

RESPONDENTS/COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031. 2 THE SUB INSPECTOR OF POLICE, KADAKKAL POLICE STATION, KOLLAM DISTRICT-691 536. OTHER PRESENT: SRI. AMJAD ALI PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.05.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ASHOK MENON, J.

----- BA No.3099 of 2020 -----
Dated this the 29th day of May, 2020

O R D E R

This is a petition for anticipatory bail filed under Section 438 Cr.PC.

2. Petitioners are accused in Crime No.791/2020

of Kadakkal Police Station for having a

prosecution case is that the petitioners were found to

be involved in distilling and bottling of

contended that he had gone there to inspect the default in the electric supply and was falsely implicated.

3. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

4. In view of the specific bar under Section 41A of the Abkari Act, an application for anticipatory bail cannot be considered. This has been so held by the Honorable Supreme Court of India in Muraleedharan v. State of Kerala [2001 KHC 411]. Under the circumstances, this Bail Application cannot be entertained and is only to be dismissed.

5. The petitioners are, therefore, directed to surrender before the investigating officer within two weeks. Soon after interrogation, they shall be produced before the jurisdictional Magistrate before

whom the petitioners are at liberty to

preferably disposed of by the Magistrate, on merits, on the very same day itself.

With these observations, the Bail Application is dismissed. Sd/- ASHOK MENON

JUDGE jg APPENDIX PETITIONER'S EXHIBITS ANNEXURE-A1 : TRUE COPY

OF THE FIR NO.791/2020 OF KADAKKAL POLICE STATION IN KOLLAM

DISTRICT.

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