

Shibu, 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./3102/2020

Appellant : SHIBU,

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.3102 OF 2020 CRIME NO.90/2019 OF Chalakkudy Excise
Range Office , Thrissur PETITIONER/S: SHIBU, S/O. AYYAPPAN,
CHECHEDATH HOUSE,KALIKAL DESOM, KODASSERY P O,
KODASSERY VILLAGE, CHALAKUDY TALUK, THRISSUR DISTRICT,
BY ADV. SRI.P.K.VARGHESE RESPONDENT/S: STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, KOCHI - 682031. OTHER PRESENT: SRI.
T.R.RENJITH PP THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 29.05.2020, THE COURT ON THE SAME DAY

O R D E R

Dated this the 29th day of May 2020 The petitioner is the accused in Crime No.90/2019 of Chalakudy Excise Range, Thrissur for having allegedly committed offence punishable under Section 55(g) of the Abkari Act. The petitioner states that he has no criminal antecedents. He has been falsely implicated and even going through the documents it would be seen that it is a falsely foisted case.

2. In view of the decision of the Hon'ble Supreme

Court in Muraleedharan v. State of Kerala [2001 KHC 411] and the specific embargo under Section 41A of the Abkari Act, application for anticipatory bail under the Abkari Act cannot be entertained and therefore the application is only to be dismissed. However, the petitioner is directed to surrender before the investigating officer within two weeks and on his interrogation, he shall be produced before the jurisdictional court. He is at liberty to apply for a regular

Bail Appl..No.3102 OF 2020 3 bail before the jurisdictional court, which shall be considered and preferably disposed of on the very same date. With these observations, the B.A is disposed of. Sd/- ASHOK MENON JUDGE rmm

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