

Mohanan 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./3110/2020

Appellant : Mohanan

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.3110 OF 2020 AGAINST THE ORDER/JUDGMENT IN CRMC
47/2020 OF DISTRICT COURT & SESSIONS COURT, PALAKKAD
CRIME NO.42/2020 OF Alathur Excise Range Office , Palakkad

PETITIONER/ACCUSED: MOHANAN AGED 42 YEARS S/O.
VELAPPAN, ANGOOD HOUSE, VELLAMPUZHA, ELAVAMPADAM
POST, ALATHUR, PALAKKAD. BY ADV. SRI.V.A.JOHNSON
(VARIKKAPPALLIL) RESPONDENTS/COMPLAINANT AND STATE: 1
STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,

HIGH COURT OF KERALA, ERNAKULAM-682031. 2 THE EXCISE INSPECTOR ALATHUR EXCISE RANGE, ALATHUR, PALAKKAD-678541. 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 PASSED THE FOLLOWING:

ASHOK MENON, J.

----- BA No.3110 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. Petitioner is the sole accused in Crime No.42/2020 of Alathur Excise Range, Palakkad for having allegedly committed offence punishable under Section 55(g) of the Abkari Act. The allegation is that he was found to be in possession of 180 litres of wash.

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

4. The specific provision under Section 41A of the Abkari Act creates an embargo in entertaining an application for anticipatory bail for offences coming

under the Act. This has been so held in the decision of t

the circumstances, this application for anticipatory bail cannot be entertained.

5. The petitioner is, therefore, directed to surrender before the investigating officer within two weeks and soon after interrogation, he shall be produced before the jurisdictional Magistrate, before

whom he is at liberty to apply for regular bail. The application for regular bail so filed before the court shall be considered and 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-A : TRUE COPY OF ORDER IN CRL.MC
NO.47/2020 OF THE COURT OF SESSION, PALAKKAD DIVISION DATED
6.5.2020

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