

Prasad vs State of Kerala

Prasad vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1767606

Court : Kerala

Decided On : May-29-2020

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./3111/2020

Appellant : Prasad

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.3111 OF 2020 CRIME NO.183/2020 OF Alathur Police Station ,
Palakkad PETITIONERS/ACCUSED 2 & 3: 1 PRASAD AGED 25
YEARS S/O.VELAYUDHAN, PAYITTAMKUNNAM, MELARCODE,
ALATHUR, PALAKKAD. 2 MAKUDESWARAN, AGED 34 YEARS
S/O.SELVARAJ, 102 A, KALIKKANYAKKANPATTY, PALANY, TAMIL
NADU. BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)
RESPONDENTS/COMPLAINANT AND STATE: 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM-682 031. 2 THE SUB INSPECTOR OF POLICE,

ALATHUR POLICE STATION, ALATHUR, PALAKKAD-678 541. 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.3111 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 2 and 3 in Crime No.183/2020 of Alathur Police Station, Palakkad District for having allegedly committed offence punishable under Section 23 of the Kerala Conservation

of Paddy Land and Wet Land Act, 2008. The prosecution case in brief is that on 27.2.2020 at about 11.30 a.m., the petitioners being drivers of earth movers bearing Regn.Nos.KL-70/E-4949 and KL-07/AU-2560 were found engaged in illegal conversion of paddy land comprised in RS.No.53/2 in Block No.29 of Kavisseri-I Village of Alathur Taluk of Palakkad District belongs to the first accused. The petitioners contend that they are lorry drivers and that in the first instance, they may not be able to find out whether the land which was being allegedly converted is actually a paddy land or not.

They did not go through any revenue records of the land in question. The petitioners did not produce any evidence to show that they are entitled to pre-arrest bail. The learned Public Prosecutor has submitted that the petitioners and the learned Public Prosecutor.

4. The petitioners do not have any criminal antecedents. They are willing to co-operate with the investigation. The petitioners are entitled to pre-arrest bail.

5. In the result, the Bail Application is allowed. The petitioners are directed to surrender before the investigating officer within two weeks, and after interrogation, in the event of their being arrested, they shall be released on bail on execution of bond for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties, each for the like amount to the satisfaction of the investigating officer on the following conditions:

(i) They shall appear before the investigating officer as and when called for and co- operate with the investigation.

(ii) They shall not intimidate or influence the witnesses.

(iii) They shall not get involved in any

similar offence during the currency of the bail. In case of breach of any of the above bail conditions, the prosecution is at liberty to apply for cancellation of the bail before the jurisdictional Court. Sd/- ASHOK MENON JUDGE jg APPENDIX PETITIONER'S EXHIBITS ANNEXURE-A : TRUE COPY OF THE FIR IN CRIME NO.183/2020 OF ALATHUR POLICE STATION, PALAKKAD DATED 25.3.2020 ALONG WITH COPY OF THE COMPLAINT.

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