

Dhaneesh Kumar vs State of Kerala

Dhaneesh Kumar vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1773526

Court : Kerala

Decided On : Jun-30-2020

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./3549/2020

Appellant : Dhaneesh Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON
TUESDAY, THE 30TH DAY OF JUNE 2020 / 9TH ASHADHA, 1942 Bail
Appl..No.3549 OF 2020 AGAINST CRIME NO.490/2020 OF
KAMBALAKKAD POLICE STATION, KALPETTA, WAYANAD
PETITIONER/ACCUSED NO.2:

DHANEESH KUMAR, AGED 35 YEARS, S/O.CHANDRAN,
THAZHEMARAVAYAL HOUSE, KURUMBALAKKOTTA, KOTTATHARA
P.O., KOTTATHARA AMSOM, WAYANAD DISTRICT. BY ADVS.
SRI.C.A.ANOOP SMT.R.KRISHNA RESPONDENT/COMPLAINANT: 1
STATE OF KERALA, REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682031. 2 STATION

HOUSE OFFICER, KAMBALAKKAD POLICE STATION, KALPETTA, WAYANAD DISTRICT (CRIME NO.490/2020). OTHER PRESENT: SRI.AMJAD ALI - SR. PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.06.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

On the 30th day of June, 2020 The petitioner in the 2nd accused in Crime No. 490 of 2020 of Kambalakkad Police Station, Kalpetta for having allegedly committed offences punishable under Sections 8(1)(2), 55(g) and 55(b) of the Kerala Abkari Act. The present case in brief is that on 30.05.2020, the petitioner along with the 1st accused was found engaged in distilling illicit arrack by the Police. In consequence of which, the Police seized 12 litres of illicit arrack and other contraband stuffs. The 1st accused was arrested from the spot, while the 2nd accused later surrendered before the Magistrate on 30.

05. 2020. The petitioner states that he is innocent and that he

has no criminal record, he may be released on bail.

2. Hearing

The learned counsel appearing for the petitioner and the learned Public Prosecutor. Considering the present pandemic situation, the quantity of liquor sold and the effect it does not have on any criminals, I find that further incarceration of the petitioner may not be necessary.

3. I

Further, the petitioner is allowed and he is directed to be released on bail on execution of bond for Rs. 1,00,000/- (Rupees One lakh only), with two solvents sureties each for the like amount to the satisfaction of the judicial Magistrate on the following conditions: (i) He shall appear before the Magistrate as and when called for. (ii) He shall not get involved in any similar offences during the

hecur rencyoft hebai lper iod. (iii) Heshal lnoti nter fer ewi tht hei ion,i nfluence ori nti midat ewi tnesses. I n case ofbr each ofany oft he bai lcondi tions,t he pr ion shal lbe atl iber tyt o appl yforcancel lat ion oft he bai l. Thebai lappl icat ioni sal lowed. Sd/- ASHOK M ENON JUDGE NR/30/06/20

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