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Govindan.K.V vs the Excise Inspector

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Court : Kerala Orders

Decided On : Jan-22-2019

Judge : Honourable Mr. Justice Sunil Thomas

Appeal No. : Bail Appl./137/2019

Appellant : Govindan.K.V

Respondent : The Excise Inspector

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SUNIL THOMAS TUESDAY, THE 22ND DAY OF JANUARY 2019 / 2ND MAGHA, 1940 CRIME NO. 73/2018 OF MATTANNUR EXCISE RANGE OFFICE, KANNUR PETITIONER/ACCUSED: GOVINDAN.K.V., AGED 53 YEARS S/O. PARAMBAN KRISHNAN, KALLADAN VEETTIL, PERUMANNU, IRIKKOOR, KANNUR DISTRICT. BY ADV. SRI.CIBI THOMAS RESPONDENTS/COMPLAINANT AND STATE: 1 THE EXCISE INSPECTOR MATTANNUR EXCISE RANGE, KANNUR DISTRICT-670 702 2 THE STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031 SRI C. N. PRABHAKARAN THIS BAIL APPLICATION HAVING COME

UP FOR ADMISSION ON 22.01.2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

Petitioner apprehending arrest in Crime No.73/2018 of Mattannur Excise Range, Kannur District for offences punishable under Sections 8(1), 8(2) of the Abkari Act 1 of 1077, seeks bail. The allegation of the prosecution is that on 21.12.2018 at about 7.30 p.m., the petitioner was seen carrying 10 litres of arrack in a can. On seeing the Excise party, he ran away from the spot. His mobile phone fell down. Petitioner could not be arrested from the spot.

2. According to the learned counsel for

the petitioner, on that day, the petitioner had gone to the river to take bath and that time, the Excise party questioned him as if he was involved in the above crime. There was an altercation and accordingly he was implicated

falsely in the case. It is contended that he is a local political leader and has been falsely implicated due to the above reason. It was also contended by the learned counsel that, in fact a report was published in the local newspapers that wash and arrack were recovered from the river side. According to the petitioner, the place of occurrence in that incident is sought to be shifted to the present place of incident to implicate the petitioner.

3. Opposing the application, the learned

Public Prosecutor submitted that the petitioner was about to be intercepted at the spot. His identity was confirmed at the spot itself from the locals. Essentially, the question is regarding the identity of the accused. It is submitted that he is involved in yet another crime. Having considered these facts, I feel that

this is not a fit case for granting the benefit of pre-arrest bail. Bail application fails and is dismissed. Sd/- SUNIL THOMAS, JUDGE Pn 22/01

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