

**Shajahan Vs. the State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/917992](http://sooperkanoon.com/917992)

**Court :** Kerala

**Decided On :** Oct-07-2010

**Reported in :** ILR2010(4)Ker42

**Judge :** V. Ramkumar, J.

**Acts :** The Essential Commodities Act - Section 3(7); The Kerala Rationing Order - Section 5(1)

**Appeal No. :** B.A. No.6079 of 2010

**Appellant :** Shajahan

**Respondent :** The State of Kerala

**Advocate for Pet/Ap. :** SRI.A.SHAFEEK, Adv

**Judgement :**

1. Petitioner, who is the sole accused in Crime No.1647/2010 of Karunagappally Police Station for an offence punishable under Section 3(7) of the Essential Commodities Act and Section 5(1) of the Kerala Rationing Order, seeks anticipatory bail.
2. The learned Public Prosecutor opposed the application.
3. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating

Officer for the purpose of interrogation and then to have his application for bail considered by the Magistrate having jurisdiction. Accordingly, the petitioner shall surrender before the investigating officer on 21.10.2010 or on 22.10.2010 for the purpose of interrogation and recovery of incriminating material, if any. The petitioner shall thereafter appear before the Magistrate concerned and file an application for regular bail. On being convinced that the petitioner has been interrogated by the police, the Magistrate shall preferably on the same date on which the application is filed, release the petitioner on bail on the petitioner executing a bond for Rs. 15,000/- (Rupees fifteen thousand only) with two solvent sureties each for the like amount to the satisfaction of the Magistrate and subject to the following conditions: -

1. The petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.
  2. The petitioner shall make him available for interrogation including custodial interrogation as and when required by the Investigating Officer.
  3. Petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.
  4. Petitioner shall not commit any offence while on bail.
  5. If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.
4. This petition is disposed of as above.