

(2020) 12 KL CK 0369
In the High Court Of Kerala
Case No : Bail Application No. 8959 Of 2020

Abraham @ Kuri Binu

APPELLANT

Vs

State Of Kerala And Anr

RESPONDENT

Date of Decision : 29-12-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Kerala Abkari Act, — Section 55(g)

Citation : (2020) 12 KL CK 0369

Hon'ble Judges : K. Haripal, J

Bench : Single Bench

Advocate : K. Shaj, C N Prabhakaran

Final Decision : Allowed

Judgement

1. This is an application filed under Section 439 of the Code of Criminal Procedure.
2. Petitioners is the second accused in Crime No.746/2020 of Chittar police station, for offence punishable under Section 55(g) of the Kerala Abkari Act.
3. Prosecution allegation is that, the accused was found engaged in manufacturing arrack and 700 litres of wash was seized by the police officials.
4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.
5. Learned counsel for the petitioner submits that he is in custody from 06.11.2020 onwards, his accomplices have been released on bail.
6. Learned Public Prosecutor opposed the application stating that the accused has very bad criminal antecedents, numerous crimes are pending against him, cases including KAPPA Act have been registered against him and thus he is facing numerous criminal proceedings.

7. The incident had happened on 24.08.2020 and the petitioner was arrested on 06.11.2020. Since the investigation has progressed considerably and the other accused have already been released on bail, there is no meaning in detaining the petitioner in custody. Therefore, it is appropriate to enlarge the petitioner on bail, imposing strict conditions.

In the result, the bail application stands allowed. The petitioner shall be released on bail on the following conditions:-

- (i) The petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like amount to the satisfaction of the jurisdictional court;
- (ii) The petitioner shall not cause any inducement, threat or promise to witnesses;
- (iii) He shall not enter the limits of Chittar police station, until further orders;
- (iv) Petitioner shall not leave India without permission of the jurisdictional Court;
- (v) He shall appear before the investigating officer as and when required by the investigating officer;
- (vi) The petitioner shall strictly abide by the various guidelines issued by the State Government and the Central Government with respect to keeping of social distancing in the wake of Covid 19 pandemic;
- (vii) If any of the above conditions are violated by the petitioner, the jurisdictional Court can cancel the bail in accordance with law. For seeking any relaxation of the conditions, he can move the committal/trial court, as the case may be.