

(2023) 03 KL CK 0253
In the High Court Of Kerala
Case No : Bail Application No.1806 Of 2023

Chandrasekhara S.

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 27-03-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Kerala Abkari Act, 1967 — Section 58, 67B

Citation : (2023) 03 KL CK 0253

Hon'ble Judges : K.Babu, J

Bench : Single Bench

Advocate : A.Arunkumar, S.Shyam Kumar, Heerakrishna T.H., Sachin George Aramban, Manu P.G.

Final Decision : Allowed

Judgement

K.Babu, J

1. This application is filed under Section 439 of the Code of Criminal Procedure.
2. The petitioners are accused Nos. 1 and 2 in Crime No. 22 of 2023 of Badiadka Excise Range Office. The offences alleged against the petitioners are punishable under Sections 58 & 67B of the Kerala Abkari Act.
3. The prosecution case is that on 13.02.2023 at 7.30 p.m, the accused were found in possession of 155.52 litres of IMFL meant for sale in the State of Karnataka in a Maruti Alto Car bearing Registration No.KL 14H 135 in Badiadukka - Mulleria SH Road in Badiadka Village and thereby committed the offences.
4. Petitioner No.1 was arrested on 13.02.2023 and Petitioner No.2 was arrested on 16.02.2023 and they have been in judicial custody since then.
5. Heard the learned counsel for the petitioners and the learned Public Prosecutor.
6. The learned counsel for the petitioners submitted that the petitioners are innocent and that they have been falsely implicated in the crime.

7. Considering the stage of the investigation and the tenure of judicial custody undergone by the petitioners, I feel that this is a fit case where bail can be granted to the petitioners on conditions.

8. In the result, this Bail Application is allowed subject to the following conditions :

(a) The petitioners shall be released on bail on their executing bond for Rs.50,000/-(Rupees Fifty Thousand only) each with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court.

(b) The petitioners shall appear before the Investigating Officer on all Wednesdays between 10 A.M. and 11 A.M. till the final report is filed.

(c) The petitioners shall not try to influence the prosecution witnesses or attempt to tamper with the evidence.

(d) If any of the bail conditions are violated by the petitioners, the Jurisdictional Court will be at liberty to cancel the bail in accordance with law.