

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 15TH DAY OF MAY 2020 / 25TH VAISAKHA, 1942

BA NO.2922 OF 2020

[In Crime and Occurrence No: 68/2020 of Alappuzha Excise Range of Alappuzha District on the files of JFCM Court, Ambalappuzha, Alappuzha District]

**Petitioner/ SOLE ACCUSED.**

Saju, Aged 40 Years,  
S/o Viswanathan, Thaippally Veli House,  
Ward No. 11, Punnapra North Panchayat,  
Paravoor Village, Alappuzha District,  
PIN Code: - 688 004.

**By Adv. Arun Chandran**

**RESPONDENTS/STATE & COMPLAINANT.**

1. State of Kerala,  
Represented by Public Prosecutor,  
High Court Campus, Ernakulam. 682 031.
2. The Excise Inspector,  
Excise Range Office, Alappuzha,  
Alappuzha District,  
PIN Code: - 688 001.

By P.P. Sri.B.JAYASURYA (SR) & C.K.PRASAD

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 15.05.2020,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ORDER**

This Bail Application filed under Section 439 of Criminal Procedure Code was heard through Video Conference.

2. The petitioner is the sole accused in Crime No.68 of 2020 of Alappuzha Excise Range of Alappuzha District. The above case is registered alleging offences punishable under Sections 8(1) (2) and 55 (g) of the Kerala Abkari Act. The petitioner was arrested on 10.05.2020 and he is in custody.

3. The prosecution case is that the petitioner was found in possession of 100 ml of arrack and 8 litres of wash with utensils. The Prosecution further submitted that 2 litres of spend wash was also seized from the petitioner.

4. The learned counsel for the petitioner submitted that the incident happened on 10.05.2020 and the petitioner was arrested on 10.05.2020. According to the learned counsel for the petitioner, the petitioner has not committed any offence and on the next day i.e. on 11.05.2020 at 6.30 a.m., the petitioner's mother died. According to the petitioner, his

mother died because of trauma that the petitioner is involved in a false case. The learned counsel further submitted that 'the sanjayanam' is scheduled on 17.05.2020 and the post funeral ceremonies are on 25.05.2020. In such a special circumstances, this Court may kindly release the petitioner on stringent conditions.

5.The learned Public Prosecutor, on instructions, submitted that, 100 ml of arrack, 8 litres of wash with utensils and 2 litres of spend wash were seized from the petitioner. But the learned Public Prosecutor fairly submitted that, considering the fact that the mother of the petitioner died and taking this as a special case, on stringent conditions, this Court can grant bail to the petitioner.

6.After hearing both sides and considering the facts and circumstances of the case and the submission of the learned counsel for the petitioner as also the learned Public Prosecutor, I think, this Bail Application can be allowed with the following directions:

1. The Superintendent of Jail concerned where the petitioner is incarcerated is directed to release the petitioner on bail on executing a self bond ensuring that they will appear before the Court concerned as and when required. It is further directed that the Superintendent of Jail should get the bail bond from the petitioner as stipulated in Section 441 Cr.P.C.

2. The Superintendent of Jail concerned shall also get the phone number, the address at which the petitioner would be residing after his release.

3. The Superintendent of Jail concerned, immediately after release of the petitioner will forthwith forward the bail bond obtained from the petitioner to the jurisdictional Court.

4. The petitioner, immediately after release from the prison, shall report before the

Station House Officer of the Jurisdictional Police Station and shall furnish his phone number and the place where they are going to reside. The Station House Officer concerned shall keep a vigil on the whereabouts of the petitioner and shall ensure that the petitioner do not violate the terms of the undertaking.

5. The petitioner shall appear before the Investigating Officer as and when required. The petitioner shall co-operate with the investigation and shall not threaten or attempt to influence the witnesses or tamper with the evidence.

6. The petitioner shall within one week from the commencement of the functioning of the jurisdictional court, if the court is not functioning at present, execute a bond for Rs.50,000/- (Rupees Fifty Thousand only) with

two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court.

7. The petitioner shall strictly abide by the various guidelines issued by the State Government and Central Government with respect to keeping of social distancing in the wake of declared lock-down.

8. If any of the above conditions are violated by the petitioner, the jurisdictional Court can cancel the bail in accordance to law, even though the bail is granted by this Court.

**P.V.KUNHIKRISHNAN, JUDGE**

**pkk**