

B.A TMP 198 OF 2020

1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

WEDNESDAY, THE 29TH DAY OF APRIL, 2020/9TH VAISAKHA, 1942

B.A TMP 198 OF 2020

(In Crime No.645/2020 of Pooyappally Police Station, Kollam District)

Petitioner/Rank not known

Sajith, aged 30 years,
S/o.Somarajan, Sarath Bhavan,
Veliyam P.O, Kollam District,
Pin: 691540

By Adv. Sri.Siju Kamalasanan

Respondents/State

1. State of Kerala represented by the Public Prosecutor,
High Court of Kerala, Ernakulam, Pin - 682 031.
2. Station House Officer, Pooyappally Police Station,
Kollam District,
Pin: 691 537

BY Public Prosecutor Sri.E.C Bineesh

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.04.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

This is an application for pre-arrest bail filed under Section 438 of the Code of Criminal Procedure.

2. The petitioner is the 3rd accused in Crime No.645 of 2020 of the Pooyappally Police Station. The petitioners is alleged to have committed the offences punishable under Sections 8(i) and (ii) and 55(g) and (h) of the Kerala Abkari Act and Section 5 of the Kerala Epidemic Diseases Ordinance, 2020.

3. The prosecution case, in brief, is that: on 6.4.2020, the police found 2.5 litres of arrack near the Kayal puramboke. The persons, who are engaged in the distilling of the arrack fled from the scene after destroying the wash. Thus, the petitioners have committed the above offences.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor via video-conferencing.

5. The learned counsel for the petitioners submitted that he would be satisfied, if a direction is issued to the learned Magistrate to consider the bail application proposed to be filed by the petitioner, on the date of petitioner's surrender itself.

6. The above prayer is not opposed by the learned Public Prosecutor.

7. Having regard to the facts and circumstances of the case, particularly considering the limited prayer made by the learned counsel for the petitioner, in exercise of the powers of this Court under Section 482 of the Code of Criminal Procedure, I direct the learned Magistrate to consider the bail application proposed to be filed by the petitioner on the date of surrender itself, in accordance with law.

With the above observations, this Bail Application is dismissed.

C.S.DIAS, JUDGE

sou.