

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

Bail Appl..No. 476 of 2015

CRIME NO. 4/2015 OF KATTAKKADA EXCISE RANGE OFFICE.
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PETITIONER/ACCUSED:

**RADHA,
AGED 60 YEARS, D/O.SARASAMMA PILLA,
MELEPUTHENVEETIL, BHARANIYARAKUZHI,
PUNNAVOOR DESOM, MARANALLOOR VILLAGE,
KATTAKADA TALUK.**

BY ADV. SRI.R.T.PRADEEP

RESPONDENT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

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B.A. No. 476 of 2015

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Dated this the 9th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in C.R.No.4 of 2015 of the Kattakkada Excise Range, registered for the offences punishable under Section 55(i) of the Abkari Act.

3. The allegation against the petitioner is that on 07.01.2015 at 6.50 a.m., she was found engaged in selling Indian Made Foreign Liquor in contravention of the provisions of the Abkari Act, and a quantity of 900 ml of Indian Made Foreign Liquor was seized from her possession.

4. Heard learned counsel for the petitioner and learned Public Prosecutor.

5. The learned counsel for the petitioner has pointed

out the miserable and pathetic circumstances in which the petitioner has been placed. At the same time, the learned Public Prosecutor has pointed out that the petitioner has three criminal antecedents as she has already been the accused in 3 Abkari cases for similar offences in which Indian Made Foreign Liquor is involved. It is true that there is nobody to look after and maintain the petitioner. Her husband died after a long treatment for Cancer. All those facts did not weigh with this Court at present to consider the application seeking anticipatory bail. At the same time, considering the peculiar situation pointed out by the learned counsel for the petitioner, I am of the view that an opportunity can be granted to the petitioner to surrender before the court below and seek bail from there.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioner may surrender before the court below within ten days from today, where the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the

same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/9/2/15

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P.A. To Judge