

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936**

**Bail Appl.No. 905 of 2015**  
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**CRIME NO. 10/2015 OF HOSDURG EXCISE RANGE OFFICE, KASARGOD**  
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**PETITIONER(S)/ACCUSED:**  
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**SATHEESAN, AGED 44 YEARS,  
S/O.LATE SUKUMARAN, KOTTAKUNNU HOUSE, CHERUMBATHATTU,  
RAJAPPURAM P.O., KALLAR, KASARAGOD DISTRICT - 671 532.**

**BY ADV. SRI.S.VISHNU (TRIPUNITHURA)**

**RESPONDENT(S)/COMPLAINANT:**  
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**STATE OF KERALA,  
REPRESENTED BY THE S.I. OF POLICE,  
HOSDURG EXCISE RANGE,  
(CRIME 10/15) REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
05-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**msv/**

**B.KEMAL PASHA, J.**

.....  
Bail Application No. 905 of 2015

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Dated this the 5<sup>th</sup> day of March, 2015.

**ORDER**

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No 10/2015 of Hosdurg Excise Range registered for the offences punishable under Sections 8(1) and 8(2) of Kerala Abkari Act.

3. The allegation against the petitioner is that on 29-1-2015 at about 12.30 p.m, he was found transporting 3 litres of arrack and on seeing the excise party, he ran away from the spot after leaving the contraband.

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

5. This is an application seeking anticipatory bail in an Abkari case which cannot normally be entertained. The

contents of the C.D prima facie reveal the complexity of the petitioner. This is a case wherein the custodial interrogation of the petitioner is required for the continued investigation of the case. Matters being so, this is not a fit case wherein anticipatory bail can be granted to the petitioner. The learned counsel for the petitioner seeks for an opportunity to the petitioner to surrender before the investigating officer and to co-operate with the investigation.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation and produce the petitioner without delay before the concerned Judicial First Class Magistrate's Court, 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

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on such application has been given to the Assistant Public  
Prosecutor also.

**B.KEMAL PASHA, J.**  
**(Judge)**

smm

