

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

Bail Appl..No. 1077 of 2015 ()

CRIME NO. 69/2014 OF KATTAPPANA EXCISE RANGE OFFICE, IDUKKI DISTRICT

PETITIONER/ACCUSED:

**SUDHEESH @ KOCHUMON, AGED 36 YEARS,
S/O.ABRAHAM @ BABU, VAZHAKUNNATHU HOUSE,
VAZHAVARA KARA, KATTAPPANA VILLAGE,
UDUMBANCHOLA TALUK, IDUKKI DISTRICT-685 508.**

BY ADV. SRI.K.K.JAYARAJ NAMBIAR

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
(REP. BY THE EXCISE INSPECTOR, EXCISE RANGE OFFICE,
KATTAPPANA-CR.NO.69/2014 OF EXCISE RANGE OFFICE,
KATTAPPANA), REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

K. ABRAHAM MATHEW, J.

Bail Appl. No.1077 of 2015

Dated this the 3rd day of June 2015

O R D E R

Petition filed under Sec.438 Cr.P.C.

2. The petitioner is alleged to have committed the offence under Sec.55(g) of the Kerala Abkari Act. The prosecution case is that on 05.12.2014 at 4.15 p.m., he was found manufacturing arrack using wash.

3. Heard both sides.

4. The application is opposed.

5. Learned counsel submits that the allegation is false.

6. The Mahazar shows that on getting information that the petitioner was manufacturing arrack, the excise officers along with two residents in the locality went to the place of occurrence. There they so the petitioner manufacturing arrack using wash. On seeing the excise officers, the petitioner ran away.

7. The incident happened at 4.15 p.m. in the evening. The excise officers could see the petitioner at a distance of 20 metres. So they had every opportunity to

identify him. Moreover, it is seen that the local residents who are with the excise officers also identified the petitioner. So there is a prima facie case against him. It is not proper to grant him anticipatory bail.

In the result, the bail application is dismissed.

Learned counsel for the petitioner submits that the petitioner will surrender before the investigating officer. He may do so if he is so advised.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge