

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

Bail Appl.No. 2040 of 2015

CRIME NO. 341/2015 OF MANNARGHAT POLICE STATION, KOTTAYAM
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PETITIONER(S)/SUSPECTED TO BE AN ACCUSED:

**NOUSHAD, AGED 39 YEARS,
S/O.SAIDALAVI, THAYATPILAKAL HOUSE, AMMINIKAD P.O.,
PERINTHALAMANNA, MALAPPURAM DISTRICT.**

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S)/STATE OF KERALA:

**THE STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
MANNARGHAT POLICE STATION, THORUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
26-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K. ABRAHAM MATHEW, J.

Bail Appl. No.2040 of 2015

Dated this the 26th day of May 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner apprehends that he will be arrested by the Police on the accusation that he has committed the offences under Secs.3(1) read with Sec.7(1)(A) (ii-1) of the Essential Commodities Act, 1965, under Sec.409 of Indian Penal Code and under order 5(A) of the Kerala Rationing Order, 1965. The prosecution case is that 18 bags of rice and other items were removed from the godown of the supplyco without any documents and were brought to the shop of the 1st petitioner so that they might be sold in public market.

3. Heard both sides.

4. The learned counsel for the petitioner submits that the shop room was closed on the date of occurrence which would show that the allegation against him is false. It cannot be accepted. The articles were seized when they reached his shop room. The materials collected by the investigating officer prima facie disclose that they were meant for the petitioner. The articles were illegally removed from the godown of the supplyco. Prima facie, there are reasons to

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believe that the petitioner is involved in the commission of the offences. It is not proper to grant him anticipatory bail.

In the result, the bail application is dismissed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge