

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 12TH DAY OF MAY 2015/22ND VAISAKHA, 1937

Bail Appl..No. 2181 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CRMP 973/2015 of D.C & SESSIONS COURT,
PALAKKAD DATED 09-04-2015

CRIME NO. 177/2015 OF AGALI POLICE STATION , PALAKKAD

PETITIONER(S)/ACCUSED NOS.1 & 3:

1. MANOJ AGED 34 YEARS
S/O.RAGHAVAN, KILLIYAMKATTAYIL HOUSE, KARARA POST
AGALI, MANNARKKAD.

2. RAGHAVAN AGED 55 YEARS
KILLIYAMKATTAYIL HOUSE, KARARA POST, AGALI
MANNARKKAD.

BY ADVS.SRI.PULIKKOOL ABUBACKER
SMT.MEREENA JOSEPH
SMT.N.A.NADEERA

RESPONDENT(S)/COMPLAINANTS:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 31.

2. SUB INSPECTOR OF POLICE,
AGALI POLICE STATION, MANNARKKAD
PALAKKAD DISTRICT. PIN - 679 002.

BY PUBLIC PROSECUTOR SRI.REJI JOSEPH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
12-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.ABRAHAM MATHEW, J

B.A.No. 2181 of 2015

Dated this the 12th May, 2015

O R D E R

Petitioners are accused 1 and 3 in Crime No.177/2015 of Agali Police Station under Sections 55(a), 55(i) and 58 of the Abkari Act and Sections 143, 147, 225, 332, 341 and 353 IPC read with Section 149 IPC. The allegation is that the first petitioner was found selling foreign liquor on a public road and when the Police attempted to arrest him, the co-accused obstructed the Police from effecting his arrest.

2. Heard learned counsel for the petitioners and the learned Public Prosecutor.

3. The offences alleged against an petitioners are very serious. Even after the arrest of an accused under the Abkari Act, there are restrictions in releasing him on bail. Worse is the situation in a petition filed under Section

438 Cr.P.C. This is not a fit case to invoke the jurisdiction of this Court under Section 438 Cr.P.C.

In the result, the application is dismissed.

**K.ABRAHAM MATHEW
JUDGE**

vgs12/5/15