

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

Bail Appl.No. 2479 of 2015

CRIME NO. 5/2015 OF EXCISE RANGE OFFICE, PATHANAMTITTA
.....

PETITIONER(S)/ACCUSED NO 3:

**SAJI E P., AGED 48 YEARS,
EDAYILAPARAMPIL HOUSE, PARIYARAM MURI,
ELANTHOOR VILLAGE, ELANTHOOR P.O., KOZHENCHERY TALUK,
PATHANAMTHITTA DISTRICT, PIN-689 643.**

**BY ADVS.SRI.C.C.THOMAS (SR.)
SRI.C.S.MANU**

RESPONDENT(S)/COMPLAINANT & THE INVESTIGATING OFFICER:

- 1. STATE OF KERALA,
REP BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**
- 2. EXCISE INSPECTOR,
EXCISE RANGE OFFICE, PATHANAMTHITTA DISTRICT,
PIN-689 101, (NOTICE TO WHOM MAY BE SERVED
ON THE PUBLIC PROSECUTOR ,
HIGH COURT OF KERALA, ERNAKULAM).**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
05-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K. ABRAHAM MATHEW, J.

B.A. No.2479 of 2015

Dated this the 5th day of August 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is accused in Crime No.5 of 2015 of Pathanamthitta Excise Range registered for the offences under Secs.55(a), 57(a) and 67B of the Kerala Abkari Act. On 15.01.2015 at about 9.45 a.m., the excise officers found the petitioner and the co-accused pouring spirit into a barrel containing toddy. On seeing the excise officers the petitioner took to his heels. They arrested the co-accused. This in brief is the prosecution case.

3. Heard both sides.

4. Learned counsel submits that the allegation against the petitioner is false, the excise officers falsely implicated him in this case because he used to lodge complaints against the excise officers in his capacity as a representative of a trade union. The petitioner was an accused in a case registered under the Kerala Abkari Act.

5. The application is opposed by the learned Public Prosecutor.

6. There is no dispute that the excise officers had acquaintance with him before the incident. So they could have easily identified him. A perusal of the case diary shows that there is a prima facie case against him. He is involved in Crime No.8 of 2015 of Pathanamthitta Excise Range also. There are no grounds to believe that the petitioner has not committed the offences or that he will not commit it again if he is released on bail. This application is only to be dismissed.

In the result, the bail application is dismissed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge