

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Bail Appl..No. 3469 of 2015 ()

CRIME NO. 49/2015 OF MURIKKASSERY POLICE STATION, IDUKKI DISTRICT.

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PETITIONER/ACCUSED:

**ABHILASH. T.P., AGED 34 YEARS,
S/O. PARAMESWARAN, THAYYIL HOUSE,
THOPPRANKUDY P.O., VATHUKUDY,
IDUKKI DISTRICT.**

**BY ADVS.SRI.S.RAJEEV,
SRI.K.K.DHEERENDRAKRISHNAN,
SRI.V.VINAY.**

RESPONDENTS/STATE:

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031,
(CRIME NO.49/2015 OF MURIKKASSERY POLICE STATION,
IDUKKI DISTRICT).**
- 2. STATION HOUSE OFFICER,
MURIKKASSERY POLICE STATION,
IDUKKI DISTRICT - 685 602,
(CRIME NO. 49/2015 OF MURIKKASSERY POLICE STATION,
IDUKKI DISTRICT).**

BY PUBLIC PROSECUTOR SMT.R. REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 22-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

K. ABRAHAM MATHEW, J.

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B.A.No. 3469 of 2015

Dated this the 22nd day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner apprehends that he will be arrested in Crime No. 49 of 2015 of Murikkassery Police Station registered for the offences under Sections 55(a)&(i) of the Abkari Act. The allegation is that he was found to be in possession of about 4 litres of Indian made Foreign Liquor which he had kept for sale.

3. Heard.

4. In view of the restrictions in Section 41A of the Abkari Act, even after the arrest of an accused for the offences under the Abkari Act, the power of the court is limited in granting bail. Worse is the situation in an anticipatory bail .

5. Learned counsel submits that the learned Magistrate concerned has power to grant bail under Section 437 of Cr.P.C. in view of the decision in ***Sukumari vs. State of Kerala***[2001(1) KLT 22]. That is true. In appropriate cases the Magistrate concerned may pass appropriate orders in view of the above decision.

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In the result, this application is dismissed.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

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P.A. To Judge