

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

Bail Appl..No. 4531 of 2015 ()

CRIME NO. 48/2015 OF CHALAKKUDY EXCISE RANGE , THRISSUR DISTRICT

PETITIONERS/ACCUSED PERSONS:

**KALESH, AGED 32 YEARS,
S/O. KANNAN, NOMBRAYIL HOUSE, VATTEKKAD DESOM,
KODAKARA VILLAGE, KANAKAMALA P.O., THRISSUR DIST.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.N.L.BITTO**

RESPONDENT/STATE OF KERALA/COMPLAINANT:

**THE STATE OF KERALA,
REP. BY THE EXCISE INSPECTOR,
CHALAKUDY RANGE, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

K. ABRAHAM MATHEW, J.

B.A. No.4531 of 2015

Dated this the 4th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 3rd accused in CR.No.48 of 2015 Excise Inspector, Chalakudy Range. He is the accused of having committed the offences under Sections 55(g), 64(a), 8(i) (ii) of Abkari Act.

3. The prosecution case is that he along with the co-accused manufactured arrack and they were found to be in possession of 20 litres of arrack and utensils used for manufacturing arrack.

4. Heard. The application is opposed.

5. The case was registered when the excise officers found the co-accused to be in possession of arrack and utensils used for manufacturing it. Their confession statements reveal that the petitioner was involved in the commission of the offences. The learned counsel submits that the petitioner was falsely implicated by the co-accused. But at this stage the court cannot enter a finding

that the accusation is false.

Since there is a prima facie case I am compelled to dismiss this application.

In the result, this application is dismissed.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

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PA to Judge