

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

Bail Appl..No. 5458 of 2015

CRIME NO. 876/2015 OF TANUR POLICE STATION , MALAPPURAM DISTRICT

PETITIONER(S)/ACCUSED :

**THEYYUTTY, AGED 49 YEARS,
S/O.AYYAPPAN, KUNDIL HOUSE, KARINKAPPARA,
OMACHAPPUZHA P.O, THEYYALA, TANUR,
TIRUR TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR,
TANUR POLICE STATION, THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A. No.5458 of 2015

Dated this the 15th day of September, 2015

ORDER

Petitioner seeks pre-arrest bail under Section 438 of the Code of Criminal Procedure in an offence punishable under Section 55(a) of the Abkari Act registered by the Tanur Police alleging that he was found in possession of 3½ litres of Indian Made Foreign Liquor on 18.03.2015 at 22.15 hours.

2. Heard both sides.

3. Learned Public Prosecutor submitted that the petitioner ran away from the place and he could not be apprehended. Learned counsel for the petitioner submitted that the petitioner is not involved in any offence. If at all, it is only possession of excess quantity of liquor than permitted by the Act and the Rules. Recovery has been effected.

Considering the nature of allegations, I am not inclined to grant anticipatory bail to the petitioner. Petitioner, if surrenders before the investigating officer in one week, shall be interrogated and he shall be produced before the learned Magistrate having jurisdiction on the date of surrender itself. If the petitioner applies for bail, the learned Magistrate shall consider the application as expeditiously as possible. If the accused fails

to do so in the stipulated time, this order will automatically cease to have force.

The application is disposed of.

A. HARIPRASAD, JUDGE.

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