

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

Bail Appl..No. 5601 of 2015

CRIME NO. 48/2015 OF CHITTAR EXCISE RANGE OFFICE, PATHANAMTHITTA
.....

PETITIONER(S)/ACCUSED:

**K.R.KUTTAPPAN,AGED 49 YEARS,
S/O.RAMACHANDRAN, KANNANTHARAYIL HOUSE,
MALAYALAPPUZHA ERAM P.O., THALACHIRA, PATHANAMTHITTA.**

**BY ADVS.SRI.M.T.SURESHKUMAR
SRI.S.SANAL KUMAR
SMT.SMITHA PHILIPOSE
SMT.T.J.SEEMA
SMT.BHAVANA VELAYUDHAN**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
23-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A. HARIPRASAD, J.

Bail Appl. No.5601 of 2015

Dated this the 23rd day of September 2015

O R D E R

Petition filed under Sec.438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.48 of 2015 of Chittar Excise Range registered for the offence punishable under Sec.55(g) of the Kerala Abkari Act. The prosecution case is that on 20.08.2015 at about 3.00 p.m., the Excise Inspector and party detected the offence whereby some persons were found illicitly distilling arrack.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. Learned counsel for the petitioner submitted that there is no material to connect the petitioner with this crime.

5. The plea for anticipatory bail is strongly opposed by the learned Public Prosecutor. According to her, there are materials in the case diary to implicate the petitioner in this crime.

6. Considering the nature of offence and the

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statutory provisions, I am not inclined to grant anticipatory bail to the petitioner by invoking the power under Sec.438 Cr.P.C.

In the result, the bail application is dismissed.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

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P.A. To Judge