

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

Bail Appl..No. 6260 of 2015 ()

CRIME NO. 32/2015 OF HOSDURG EXCISE RANGE OFFICE, KASARGOD DISTRICT

PETITIONER/ACCUSED :

**KARICHI,
AGED 65 YEARS, D/O.NARIYMBADI
CHULLIYOD (H), KALLAR VILLAGE, VELLARIKKUNDU TALUK
P.O. MALAKKALLU, KASARAGOD DISTRICT, PIN-671 532.**

**BY ADVS.SRI.RAHUL SASI
SMT.NEETHU PREM**

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. REMA R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A No.6260 of 2015

Dated this the 13th day of October, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.32 of 2015 of Hosdurg Excise Range registered for an offence punishable under Section 8(1) and (2) of Abkari Act.

3. Prosecution case, in short, is that on 07-04-2014 at about 6.30 p.m., the accused was found carrying a can containing 3 litres of illicit arrack.

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

5. Learned Public Prosecutor submitted that she could not be arrested for want of Woman Police Officer. Learned counsel for the petitioner submitted that the story put forward by the Excise Officers is untrue.

6. Considering the nature of the offence and the case of the prosecution, I am not inclined to grant pre-arrest bail to the petitioner especially when I consider the provision in Section 41A of

the Abkari Act. Therefore, following directions are issued :

The petitioner shall surrender before the Excise Officer within a period of one week from today and submit herself for interrogation. Thereafter, she shall be produced before the learned Magistrate having jurisdiction on the same day. The petitioner is free to move for regular bail before the court below. In that event, the application shall be considered on merits as expeditiously as possible. If petitioner does not surrender in the stipulated time, the Investigating Officer is free to arrest him as if no order is passed in this matter.

Sd/-

**A.HARIPRASAD,
JUDGE.**

//True copy//

P.A to Judge

amk