

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Bail Appl..No. 6334 of 2015

CRIME NO. 726/2015 OF PUDUNAGARAM POLICE STATION, PALAKKAD.
.....

PETITIONER/ACCUSED:

**K.C.KRISHNADAS, AGED 45 YEARS,
S/O K.V. CHAMIYAPPAN, PROPRIETOR,
SREERAM RICE MILL, KODUVAUR, PALAKKAD.**

BY ADV. SRI.T.M.RAMAN KARTHA

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-KOCHI-31**
- 2. SUB INSPECTOR OF POLICE,
PUDUNAGARAM POLICE STATION,
PUDUNAGARAM POST, PALAKKAD DT. PIN-678 503.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A No.6334 of 2015

Dated this the 15th day of October, 2015.

ORDER

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

2. Petitioner is the accused in Crime No.726 of 2015 of Pudunagaram Police Station registered for offences punishable under Section 3 r/w 7 (1)(a) of the Essential Commodities Act, 1958 and Clause 3 of the Kerala Essential Commodities (Maintenance of Accounts and Display of Price and Stock) Order, 1977. He is a wholesale and retail dealer of rice and wheat with all statutory licenses.

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

4. It is alleged that a search conducted by the Taluk Supply Officer and team on 29-07-2015 in the business premise of the petitioner revealed that he did not keep the details of stock in accordance with Kerala Essential

Commodities (Maintenance of Accounts and Display of Price and Stock) Order, 1977 and seized certain quantity of rice, wheat etc.

5. Learned counsel for the petitioner submitted that even going by the allegations, the second link of Section 3 of Essential Commodities Act, 1955 alone will be attracted and the offence alleged as per Order of 1977, the only offence possible is a bailable offence punishable for a period of one year.

6. Learned Public Prosecutor opposed the bail application. Considering the nature of allegations, I am of the view that this is a fit case wherein pre arrest bail can be granted to the petitioner with following directions :

1. Petitioner shall surrender before the investigating officer within a period of one week from today and submit himself for interrogation. In that event, the petitioner shall be released on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand

only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.

2. The sureties shall produce documents to establish their identity and solvency.
3. Petitioner shall appear before the Investigating Officer as and when directed.
4. Petitioner shall not influence or intimidate witnesses.

If any of the above conditions is violated by the petitioner, the learned Magistrate having jurisdiction is free to cancel the bail.

**A.HARIPRASAD,
JUDGE.**

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