

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

Bail Appl..No. 7642 of 2015 ()

CRIME NO. 1058/2015 OF KANNUR CITY POLICE STATION , KANNUR DISTRICT

PETITIONER/ACCUSED :

**JOY @ CHRISTY JOSEPH,
S/O.SEBASTIAN,AGED 45 YEARS,
HOUSE NO.144A, KANNUR I AMSOM,
BURNASSERY P.O., KANNUR DIST.**

**BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH**

RESPONDENT(S)/COMPLAINANT AND STATE:

- 1. THE STATION HOUSE OFFICER,
KANNUR CITY POLICE STATION,
KANNUR-670 003.**
- 2. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A.HARIPRASAD, J.

B.A. No.7642 of 2015

Dated this the 8th day of December, 2015

ORDER

Application for bail under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1058 of 2015 of Kannur City Police Station registered for an offence punishable under Section 58 of the Abkari Act.

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

4. Prosecution case, in short, is that on 01-11-2015 at about 19.30 hours, the police party received an information that the petitioner was selling illicit liquor on a dry day. It is alleged that he carried liquor on a scooter and on seeing the police party, he ran away.

5. Learned counsel for the petitioner submitted that the petitioner is not involved in the offence. He produced some documents to show that he had underwent a surgery for cardiac disease. After hearing the learned counsel for the petitioner, the learned Public Prosecutor and also on referring to the materials in

the case diary, I am not inclined to grant pre-arrest bail to the petitioner. Hence, following directions are made :

The petitioner shall surrender before the Investigating Officer within a period of one week from today and submit himself for interrogation. Thereafter, he shall be produced before the learned Magistrate having jurisdiction on the same day. If the petitioner moves for regular bail before the court below, the application shall be considered on merits as expeditiously as possible. If the 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.**

amk

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P.A to Judge