

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

Bail Appl..No. 7872 of 2015

CRIME NO. 25/2007 OF KATTAKKADA EXCISE RANGE, THIRUVANANTHAPURAM.
.....

PETITIONER/ACCUSED:

**SABU, AGED 35 YEARS,
S/O.SASIDHARAN, SAJU NIVAS, ARUVIKKARA,
MARANALLOOR P.O., THIRUVANANTHAPURAM.**

BY ADV. SMT.KEERTHI SOLOMON

RESPONDENT(S)/COMPLAINANTS:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. EXCISE INSPECTOR, EXCISE OFFICE,
KATTAKKAD, KATTAKKADA P.O.,
THIRUVANANTHAPURAM, PIN-695 572.**

BY PUBLIC PROSECUTOR SMT.SEENA RAMAKRISHNAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K.P.JYOTHINDRANATH, J.

B.A.No.7872 OF 2015

Dated this the 17th day of December, 2015

ORDER

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973. When the application came up for hearing, the learned counsel for the petitioner submitted before me that the petitioner is apprehending arrest and detention in connection with Crime No.25/2007 of Kattakkada Excise. It is also brought to my notice that charge is already filed before the court and now it is pending as C.P.No.197/2012 before the JFCM Court, Kattakkada.

2. I heard the learned Public Prosecutor. The learned Public Prosecutor submitted before me that here is a matter where the court already seizin the matter and issued warrant. The offence alleged is under Section 8(1) of the Abkari Act.

3. After considering the submissions of both sides, I feel that it may not be proper to intervene in the execution of the warrant issued

by the Magistrate. Surely, if so advised, the petitioner can surrender before the Magistrate. If the petitioner surrenders before the Magistrate by giving advance notice, it may be considered expeditiously.

The bail application is accordingly dismissed.

K.P.JYOTHINDRANATH
JUDGE

SV.