

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

TUESDAY, THE 29TH DAY OF DECEMBER 2015/8TH POUSHA, 1937

Bail Appl..No. 7902 of 2015

CRIME NO. 65/2015 OF KATTAKADA POLICE STATION, THIRUVANANTHAPURAM.
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PETITIONER/ACCUSED:

**SELVARAJ @ SUPER RAJU, AGED 47 YEARS,
S/O.CHELLAPPAN, SANU BHAVAN, UNDAPPARA,
MARANALLOOR DESOM, MARANALLOOR VILLAGE,
THIRUVANANTHAPURAM.**

**BY ADVS.SMT.RAJEENA R. MAXIPAUL
SRI.A.CHANDRA BABU
SRI.S.R.SUNJITH**

RESPONDENT/STATE:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI - 682 031.**

BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-12-2015 ALONG WITH BA. 7909/2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

mbr/

K.P. JYOTHINDRANATH, J.

B.A. No. 7902 & 7909 of 2015

Dated this the 29th day of December, 2015

ORDER

Both these applications are filed by Mr.Selvaraj @ Super Raju. The case of the petitioner is that he is accused in Excise Crime No.41/2015 of Kattakada Police Station as well as in Crime No.65/2015 of Kattakada Police Station.

2. It is the submission that Crime No.41/2015 is registered for offences under Sections 8(1) & 8(2) of the Abkari Act and Crime No.65/2015 of Kattakada Police Station is registered for offences under Sections 8(1), 8(2) & 55(g) of the Abkari Act. It is the further submission that originally, the petitioner was granted bail in Excise Crime No.41/2015 of Kattakada Police Station by this Court. While granting bail, a condition was imposed by this Court that during the bail period, the petitioner shall not involve in similar offences. After the registering of Crime No.65/2015 of Kattakada Police Station, an

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application was moved before the court below and the bail granted by this Court got cancelled. It is also the submission that the petitioner was arrested in connection with Crime No.65/2015 on 27.10.2015. The bail granted in Crime No.41/2015 was cancelled by the court below by its order dated 12.11.2015.

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

4. The allegation is that the petitioner was in possession of 4 litres of illicit arrack. There is a further allegation that 300 litres of wash was also seized from the premises of the house of the petitioner.

5. It is the submission made by the learned counsel for the petitioner before me that after the granting of bail by this Court in Crime No.41/2015 of Kattakada Excise Officer, the excise officials registered a false case against the petitioner and got the said bail cancelled and thereby disallowed to enjoy the bail granted by this Court.

5. The learned Public Prosecutor submitted before

me that the case diary is available for perusal and it can be seen that it is not a false case. It is the further submission that 300 litres of wash was kept in about 20 cans and that itself vouch the truthfulness of the case.

6. After considering the fact that the allegation is that the petitioner was in possession of about 300 litres of wash and some liquor and further keeping in mind that the petitioner was arrested as back as on 27.10.2015, I feel that it may only just and proper to give one more chance to the petitioner to reform.

Thus, the petitioner is granted bail in both crimes on the very same conditions, on which, originally, the petitioner was granted bail by this Court. That is,

(a)The petitioner shall be released on bail in both crimes on his executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the learned Magistrate having jurisdiction in each crime.

(b)The sureties shall produce documents to establish their identity and solvency. The learned Magistrate

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need not insist on solvency certificate, but, other documents can also be perused to find out whether the sureties are solvent or not.

(c)The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 a.m and 11.00 a.m. until the final report is filed in both crimes.

(d)The petitioner shall not intimidate or attempt to influence the witnesses.

(e)The petitioner shall not, in any manner, interfere or meddle with the investigation.

(f)Petitioner shall not, during the period of this bail, get involved in any offence.

In case, any of the above conditions is violated, bail granted to the petitioner hereby is liable to be cancelled, for which, the investigating officer may move application before the Jurisdictional Magistrate.

Sd/-
K.P. JYOTHINDRANATH
JUDGE