

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

Bail Appl..No. 7888 of 2014 ()

CRIME NO. 860/2014 OF KOZHINJAMPARA POLICE STATION , PALAKKAD

PETITIONER/ACCUSED:

M.SHAHJAHAN, AGED 49 YEARS
S/O. MUHAMMED KHANI, 9/313, BISMILLAH MODERN RICE MILL
VANNAMADA P.O., PALAKKAD.

BY ADVS.SRI.T.M.RAMAN KARTHA
SMT.O.A.NURIYA

RESPONDENTS/STATE AND COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. SUB INSPECTOR OF POLICE,
KOZHINJAMPARA POLICE STATION, CHITTOOR
PALAKKAD - 678 555.

BY PUBLIC PROSECUTOR, SRI.RAJESH VIJAYAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Bail Application No.7888 of 2014 A

Dated this the 2nd day of June 2015

ORDER

The petitioner is the accused in Crime No.860/2014 of Kozhinjampara Police Station registered under Sections 3 and 7 of Essential Commodities Act, 1955.

2. The prosecution allegation can be briefly stated as follows. On 17.10.2014 at about 11.30 p.m., the Special Squad of District Collector raided the godown of the petitioner and seized 316.3 quintals of rice. It is alleged that the said rice was intended to be supplied through Public Distribution system. The petitioner

has filed this petition praying for the relief under Section 438 Cr.P.C.

3. Heard.

4. It has been submitted by the learned Public Prosecutor that the Food Corporation of India, after examining the materials collected from the shop of the petitioner, found that the said materials do not belong to the Food Corporation of India. The petitioner is the owner of the said shop. According to the petitioner, he purchased the said articles from the open market and stocked the same in his shop. Considering the facts and circumstances of the case, including the fact that there is a report from the Food Corporation of India that the materials do not belong to the Food Corporation of India, I am of the view that an order under Section 438 Cr.P.C. in favour of the petitioner will be justified.

In the result, this application stands allowed and the petitioner shall be released on bail in the event of his arrest in connection with Crime No.860/2014 of Kozhinjampara Police Station on condition of the petitioner executing a bond for ₹30,000/- (Rupees thirty thousand only) with two solvent sureties, each for the like sum to the satisfaction of the 2nd respondent, before whom the petitioner shall surrender within 10 days from today and subject to the following conditions:

(i) The petitioner shall report before the Investigating Officer on all Mondays between 9 a.m. and 11 a.m. for four months or till the filing of the final report, whichever is earlier.

(ii) The petitioner shall not intimidate or influence the witnesses or in any way tamper with the evidence.

(iii) The petitioner shall not get involved in any offence while on bail.

sd/

**B.SUDHEENDRA KUMAR,
JUDGE**

dl

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PA TO JUDGE