IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

FRIDAY, THE 24TH DAY OF JULY 2020 / 2ND SRAVANA, 1942

Bail Appl..No.4571 OF 2020

CRIME NO.711/2020 OF Wadakkancherry Police Station , Palakkad

APPLICANT/S:

1 MANU JOHN
AGED 44 YEARS
S/O JOHNY
POTHAPPARA,
VADAKKANCHERRY
PALAKKAD 678683

2 BINU M.P
AGED 40 YEARS
S/O POULOUSE
POTHAPPARA,
VADAKKANCHERRY
PALAKKAD 678683.

BY ADV. SRI.T.K.SANDEEP

RESPONDENT/S:

PUBLIC PROSECUTOR
HIGH COURT OF KERALA
682031

R1 BY PUBLIC PROSECUTOR

OTHER PRESENT:

SRI.AMJAD ALI SR PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24.07.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ASHOK MENON, J.

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B.A.No. 4571 of 2020

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Dated this the 24th day of July, 2020

O R D E R

Application for regular bail under Section 439 Cr.P.C. The applicants are the 2nd & 3rd accused in Crime No.711/2020 of Vadakkancherry Police Station, Palakkad District, for having allegedly committed offences punishable under Sections 8(1) & 8(2) of the Abkari Act.

2. The prosecution case in brief is that, on 27.06.2020, at about 00.15 hours, the S.I. of the police on getting reliable information regarding transporting of illicit arrack went on patrol duty, and saw three persons coming along a narrow road with a sack in their hands. On seeing the police party, all the three of them took to their heels. On chasing, only the 1st accused could be apprehended, and the sack was found containing arrack in 5 plastic bottles of one litre each. The 1st accused was apprehended and

remanded to Judicial custody. The applicants herein were the persons, who were accompanying the 1st accused. Anticipating arrest, they filed an application for anticipatory bail before this Court as B.A. No. 3960/2020 which was disposed of, directing them to surrender before the Investigating Officer and to apply for regular bail before the Jurisdictional Magistrate. Accordingly, the applicants surrendered before the Investigating Officer on 16.07.2020. They were arrested and produced before the Jurisdictional Magistrate, and remanded to judicial custody. Their bail application was dismissed and hence the applicants are approached this Court for indulgence.

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

4. The applicants do not have any criminal antecedents. Considering this fact, and also the quantity of the liquor involved, and the present pandemic situation, I find that further incarceration of the petitioners may not be necessary.

5. In the result, the bail application is allowed and

the petitioners/applicants are directed to be released on bail on execution of bond for Rs.50,000/- (Rupees Fifty Thousand only) each with two solvent sureties each for the like amount to the satisfaction of the jurisdictional Magistrate and on the following further conditions;

i). They shall appear before the investigating officer as and when called for.

ii). They shall not attempt to influence or intimidate the witnesses.

iii). They shall not get involved in similar offences during the currency of the bail.

In the event of violating the bail conditions, the prosecution shall be at liberty to apply for cancellation of bail before the jurisdictional Court.

Sd/-

ASHOK MENON
JUDGE

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