



2022:KER:874

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

FRIDAY, THE 7TH DAY OF JANUARY 2022 / 17TH POUSHA, 1943

BAIL APPL. NO. 7 OF 2022

AGAINST THE ORDER IN CRMP 7754/2021 OF JUDICIAL MAGISTRATE OF

FIRST CLASS - I, CHALAKUDY

CRIME NO.1156/2021 OF KORATTY POLICE STATION

PETITIONER/SOLE ACCUSED:

DENNY JOHN,
AGED 47 YEARS
S/O.JOHNY, MANDIKKUNNU HOUSE, KADUKUTTY VILLAGE,
CHALAKUDY TALUK, THRISSUR DISTRICT, PIN-680 309.
BY ADV N.L.BITTO

RESPONDENT/STATE:

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

SRI. T.R. RANJITH (SR.PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
07.01.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ORDER**

This is an application for regular bail.

2. Petitioner is the accused in Crime No.1156/2021 of Koratty police station, alleging commission of offences under Sections 8(1) and 8(2) of the Abkari Act.

3. Allegation against the petitioner is that he was found in possession of 3 ½ litres of illicit arrack and thereby he committed the offence under the aforesaid provisions of law.

4. Learned counsel appearing for the petitioner submits that only 500 ml of alleged arrack was recovered from the possession of the petitioner and that the balance 3 litres is stated to have recovered from a property near to the house of the petitioner. It is submitted that the petitioner has been falsely implicated in the matter and that the petitioner has absolutely no role in the crime. It is also submitted that the petitioner has been in custody from 26.12.2021 and that further detention of the petitioner is not necessary for the purpose of investigation, in the facts and circumstances of the case.



5. I have heard the learned Public Prosecutor also. Learned Public Prosecutor submits that though no criminal antecedents are reported against the petitioner, the allegations against the petitioner are serious and that he has only completed 11 days in custody.

6. Having regard to the facts and circumstances of the case and considering the fact that the petitioner has been in custody from 26.12.2021 and also taking into consideration of the fact that in the nature of the allegations against the petitioner his further detention may not necessary for the purpose of investigation, I am of the opinion that the petitioner can be released on bail subject to strict conditions. Accordingly, this application for bail is allowed and it is directed that the petitioner shall be released on bail subject to the following conditions:-

(i) The petitioner shall execute bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like-sum to the satisfaction of the jurisdictional court;

(ii) Petitioner shall appear before the investigating officer in Crime No.1156/2021 of Koratty Police station on every Saturday at 11 am until further orders;



(iii) The petitioner shall not attempt to interfere with the investigation or to influence or intimidate the *de facto* complainant or any witness in Crime No.1156/2021 of Koratty of police station;

(iv) The petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the investigating officer in Crime No.1156/2021 of Koratty police station may file an application before the jurisdictional court, for cancellation of bail.

sd/-

GOPINATH P.

JUDGE

ajt