

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 24TH JANUARY 2011 / 4TH MAGHA 1932

Bail Appl..No. 384 of 2011()

C.R. NO.48/2010 OF KUMBALA EXCISE RANGE, KASARAGOD DISTRICT

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PETITIONER (S): ACCUSED

JANAKI, W/O.RAMA, AGED 50, KODDE HOUSE
MAJBAIL VILLAGE AND POST ,KASARAGOD DISTRICT.

BY ADV. SRI.SUNIL NAIR PALAKKAT

RESPONDENT(S): COMPLAINANT

STATE OF KERALA
REPRESENTED BY (INSPECTOR OF POLICE, KUMBALA RANGE)
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24/01/2011, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

tss

V. RAMKUMAR, J.

Bail Application No.384 of 2011

DATE: 24.01.2011

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner, who is the accused in C.R. No.48/2010 of Kumbala Excise Range for an offence punishable under sec.55(a) of the Abkari Act for allegedly having been found in possession of 42 bottles of IMFL, seeks anticipatory Bail.

2. The learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case involving such grave offence. It is too early to accept the petitioner's contention that the petitioner has been falsely implicated. There is no reason why the petitioner should not surrender before the magistrate concerned and seek regular bail. Accordingly, If the petitioner surrenders before the Magistrate concerned within two weeks from today and files an application for regular bail, the same shall be considered and disposed of preferably on the same day on which it is filed bearing in mind the decision in Sukumari v. State of Kerala – 2001 (1) KLT 22.

With the above observation this Application is disposed of .

Dated this the 24th day of January, 2011.

V.RAMKUMAR, JUDGE

sj