

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

WEDNESDAY, THE 21ST DAY OF DECEMBER 2022 / 30TH AGRAHAYANA, 1944

BAIL APPL. NO. 9427 OF 2022

AGAINST THE ORDER/JUDGMENTCRMC 1164/2022 OF DISTRICT COURT&
SESSIONS COURT,MANJERI

PETITIONER/ACCUSED:

HASEENA PALATHINGAL
AGED 46 YEARS
D/O MUHAMMED,
KINARADAPPAN, VETTELAPPARA P.O.
AREEKODE VIA MALAPPURAM (DIST.), PIN - 673639
BY ADVS.
ANIL K.MUHAMED
KRISHNAKUMAR G.
AJIN SALAM

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
PIN - 682031
BY SMT. SEETHA S (PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21.12.2022,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VIJU ABRAHAM , J.

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Bail Appln. No. 9427 of 2022

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Dated this the 21st day of December, 2022

ORDER

This is an application for anticipatory bail.

2. The petitioner is an accused in Crime No. 96/2022 of Manjeri Excise Range, Malappuram District alleging commission of offences punishable under Sections 8(1) and 55(g) of Abkari Act.

3. The prosecution allegation is as follows:- On the basis of prior information, on 07/10/2022 at 11: 20 PM the Excise officers conducted a search in house bearing No. 467 at Vettilappara Amsom. It is alleged that during this search, 3.5 litres of arrack and 23 litres of wash was seized. It is the further case of prosecution that accused was occupying this building and she escaped from there prior to the arrival of excise party and a photocopy of her Aadhar card and photograph was also seized from that house.

4. The petitioner submitted that she has been falsely implicated in the above said crime.

5. The learned Public Prosecutor upon instructions submitted that investigation revealed that the petitioner has taken the house on rent and that the petitioner was distilling arrack while the Excise party arrived. The learned Public Prosecutor further submitted that petitioner has no other criminal antecedents.

6. Considering the fact that the petitioner has no other criminal antecedents and that she is a lady, I am inclined to grant anticipatory bail to the petitioner granting limited custody for the purpose of the investigation.

In the result, this application is allowed. The Petitioner shall surrender before the Investigating Officer in Crime No. 96/2022 of Manjeri Excise Range Police Station on 28.12.2022 at 11 AM and shall make herself available for interrogation on that day or any other day/days as directed by the Investigating Officer. The petitioner shall co-operate with the investigation. In the event of arrest of the petitioner in Crime No. 96/2022 of Manjeri Excise Range Police Station, the petitioner shall be produced before the jurisdictional Court on the very same day and shall be released on bail subject to the following stringent conditions.

- (i) The petitioner shall execute a 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) The petitioner shall appear before the investigating officer in Crime No. 96/2022 of Manjeri Excise Range Police Station, on every Saturday at 11.00 a.m. until filing of the final report.
- (iii) Petitioner shall report to the Investigating Officer as and when required for the investigation.
- (iv) The petitioner shall not attempt to influence the defacto complainant or interfere with the investigation or to influence or intimidate any witness in Crime No. 96/2022 of Manjeri Excise Range Police Station;
- (v) 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. 96/2022 of Manjeri Excise Range Police Station may file an application before the jurisdictional Court, for cancellation of bail.

It is made clear that it is within the power of the police to investigate the matter and if necessary to effect recoveries on the information if any given by the petitioner even when the petitioner is on bail as per the judgment of the Apex

Court in *Sushila Aggarwal and others v. State (NCT of Delhi)*
and another (2020 (1) KHC 663).

Sd/-
VIJU ABRAHAM
JUDGE

sbk/-