

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

FRIDAY, THE 27TH DAY OF DECEMBER 2013/6TH POUSHA, 1935

Bail Appl..No. 8764 of 2013 ()

CRIME NO. 97/2013 OF KAYAMKULAM EXCISE RANGE OFFICE, ALAPPUZHA

PETITIONER/ACCUSED :

RAGHAVAN, AGED 69 YEARS,
S/O. KRISHNAN, SURESH BHAVANAM,
PATHIYOOR KIZHAKKU MURI, PATHIYOOR VILLAGE,
KARTHIKAPPALLY.

BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL

RESPONDENT/RESPONDENT:

STATE OF KERALA
REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
REP. BY THE EXCISE INSPECTOR, KAYAMKULAM.

BY PUBLIC PROSECUTOR SRI.N.SURESH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-12-2013, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

BP

BABU MATHEW P. JOSEPH, J.

Bail Appl. No. 8764 of 2013

Dated this the 27th day of December, 2013

O R D E R

This petition is filed under Section 439 of the Code of Criminal Procedure for bail.

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondent. C.D. produced.

3. The petitioner is the accused in Crime No.97 of 2013 of the Excise Range office, Kayamkulam. The offence alleged is under Section 58 of the Abkari Act. The allegation is that the petitioner was found in possession of 11 bottles containing 180 ml each of Indian made foreign liquor on 21.11.2013. He was arrested then and there and produced before the court. He was remanded to judicial custody. He continues to be in custody. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. The investigation of the case is almost over. He further submits that the continued custody of the petitioner is not required for completing the investigation.

4. The Case Diary shows that the investigation of the case is almost over. In view of this fact and the period the

petitioner has already spent in jail, the learned Public Prosecutor has no objection in granting bail to the petitioner imposing appropriate conditions. In the light of the facts weighed with the learned Public Prosecutor, this Court is also of the view that the petitioner can be granted bail imposing appropriate conditions. Therefore, the petitioner is granted bail subject to the following conditions:

1) The petitioner shall be released on bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two solvent sureties each for the like sum to the satisfaction of the concerned Magistrate's Court.

2) The petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Fridays for a period of two months.

3) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.

4) The petitioner shall make himself available for interrogation as and when required by the Investigating

Officer.

5) The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

6) The petitioner shall not commit any similar offence while on bail.

7) The petitioner shall not leave India without the previous permission of the concerned Magistrate's Court/Sessions Court.

This application is allowed as above.

Sd/-
BABU MATHEW P. JOSEPH,
JUDGE.

NS