

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

Bail Appl..No. 25 of 2015 ()

CRIME NO. 134/2014 OF HOSDURG EXCISE RANGE, KASARAGOD DISTRICT

PETITIONER/ACCUSED:

**M.KUNHIRAMAN AGED 51 YEARS,
S/O.LATE KOTTAN, RESIDING AT MALIKKAL,
AMBALATHUKARA VILLAGE, HOSDURG TALUK,
KASARAGODL DISTRICT.**

BY ADV. SRI.T.MADHU

RESPONDENT/STATE & COMPLAINANT :

**THE STATE OF KERALA,
THROUGH THE EXCISE RANGE OFFICER,
HOSDURG EXCISE RANGE, KASARAGOD DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT. BINDU GOPINATH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B. KEMAL PASHA, J.

.....
B.A. No.25 of 2015
.....

Dated this the 20th day of January, 2015

O R D E R

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.134/2014 of Hosdurg Excise Range registered for the offence punishable under Section 55(g) of the Abkari Act.

3. The allegation against the petitioner is that on 18.12.2014 at 6 p.m. he was found in possession of 15 litres of wash, in contravention of the provisions of the Abkari Act. The petitioner has been in custody for the period from 18.12.2014 onwards.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor.

5. No criminal antecedents have been reported against the petitioner. It seems that the investigation of this

case is practically over. The continued detention of the petitioner in custody is not required for the continued investigation of this case. Considering the facts and circumstances of this case and having regard to the period undergone by the petitioner in custody and the present stage of investigation, I am satisfied that the petitioner can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays, commencing from 27.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) *The petitioner shall not tamper with the evidence or influence witnesses.*

(iii) *The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.*

(iv) *The petitioner shall not involve in any offence while on bail.*

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/20/01

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PA to Judge