

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

Bail Appl..No.43 of 2015

(CR NO.90/2014 OF PERUMBAVOOR EXCISE RANGE OFFICE,ERNAKULAM)

PETITIONERS/ACCUSED NOS.1 & 2:

- 1. SAJU,AGED 49 YEARS,S/O.PAULOSE,MULEKKUDY HOUSE,
RAYAMANGALAM KARA,KUNNATHUNADU TALUK.**
- 2. SHYAMALA,AGED 62 YEARS,W/O.VASU,MANALMARIL HOUSE,
VELAMBOOR KARA,MAZHUVANNUR VILLAGE,
KUNNATHUNADU TALUK,ERNAKULAM DISTRICT.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM, .**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B. KEMAL PASHA, J.

.....
B.A. No.43 of 2015
.....

Dated this the 5th day of March, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in C.R. No.90/2014 of Perumbavoor Excise Range, Ernakulam District, registered for the offence punishable under Section 57(a) of the Abkari Act.

3. According to the Investigating Officer, on 10.09.2014, he collected samples from the toddy shops of the petitioners, and when those samples were subjected to chemical analysis, it was revealed that one of the samples contained starch.

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

5. It seems that one of the samples contained starch. At the same time, no noxious substances were

found in the sample. It does not reveal any serious offence against the petitioners. Considering all the above, I am satisfied that this is a fit case wherein anticipatory bail can be granted to the petitioners.

6. In the result, this bail application is allowed and the investigating officer or such other officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 12.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

(iii) The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iv) The petitioners 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/05/03

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PA to Judge