

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

Bail Appl.No. 52 of 2015

CRIME NO. 103/2014 OF THRISSUR EXCISE RANGE OFFICE, THRISSUR
.....

PETITIONER(S)/FIRST ACCUSED (IN CUSTODY FROM 16-11-2014):

**RAJEEV K., AGED 32 YEARS..
KRISHNAN, SIVAJI NAGAR, AALMARAM DESOM
KANJIKODE P.O, PALAKKAD DT.**

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENT(S)/STATE:

**STATE OF KERALA / CIRCLE INSPECTOR,
THRISSUR EXCISE RANGE OFFICE, THRISSUR,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
15-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

.....
B.A. No.52 OF 2015
.....

Dated this the 15th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.103/2014 of the Thrissur Excise Range registered for the offences punishable under Sections 55(a) and 67B of the Abkari Act.

3. The allegation against the petitioner is that on 16.11.2014 at 9.30 p.m. he, along with the 2nd accused, was found transporting 320 litres of spirit by *Tata Sumo* car bearing registration No.KL-07Z-468. The petitioner was found driving the vehicle. On seeing the excise party, the 2nd accused ran away from the spot. The petitioner has been in custody for the period from 16.11.2014 onwards.

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

5. Even though the petitioner has been in custody for the period from 16.11.2014 onwards, final report has not been filed in the matter. Matters being so, the petitioner is entitled to compulsive bail under Section 167(2) Cr.P.C.

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 Thursdays and Mondays commencing from 22.01.2015 for a period of six months.

(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.

ul/-

Sd/- B.KEMAL PASHA, JUDGE

[True copy]

P.S. to Judge