

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

Bail Appl..No. 75 of 2015

CRIME NO. 924/2014 OF NILESWAR POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED:

**O.K.SHAJI, AGED 37 YEARS
S/O. RAGHAVAN, RESIDING AT CHERAPURAM, NILESHWARAM
KASARAGOD DISTRICT.**

**BY ADVS.SRI.JAWAHAR JOSE
SRI.ARUN AJAY SHANKAR**

RESPONDENT(S)/STATE:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682031.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B. KEMAL PASHA, J.

.....
B.A. No.75 of 2015
.....

Dated this the 16th day of January, 2015

ORDER

~~~~~

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.924/2014 of Nileschwaram Police Station registered for the offence punishable under Section 55(a) of the Abkari Act.

3. The allegation against the petitioner is that on 11.11.2014 while the police party were engaged in vehicle check, the petitioner was found transporting 24 bottles each containing 500 ml. of IMFL from Mahe by autorickshaw bearing registration No.KL-14F-1361. He stopped the autorickshaw and ran away from the spot. The petitioner has surrendered on 15.12.2014 and thereafter he has been in custody.

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, the present stage of investigation and the absence of criminal antecedents on his part, 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 Fridays and Tuesdays, commencing from*

*23.01.2015 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/16/01

*// True Copy //*

*PA to Judge*