

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

Bail Appl..No. 109 of 2015 ()

CR.NO. 47/2014 OF THODUPUZHA EXCISE RANGE, IDUKKI DISTRICT

PETITIONERS/ACCUSED NOS. 1 & 2 :

- 1. A.V. KUNJU, AGED 65 YEARS
S/O.VELAYUDHAN, AREECKAL HOUSE, ARAKKULAM KARA
ARAKULAM VILLAGE, THODUPUZHA TALUK, IDUKKI DISTRICT.**
- 2. P.V.SABU, AGED 51 YEARS
S/O.RAGHAVAN, PADICKAPARAMBIL HOUSE, MANAKKADU KARA
MANAKKADU VILLAGE, THODUPUZHA TALUK, IDUKKI 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 19-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B. KEMAL PASHA, J.

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B.A. No. 109 of 2015

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Dated this the 19th day of January, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in C.R. No.47 of 2014 of Thodupuzha Excise Range, Idukki District, registered for the offences punishable under Section 57 (a) of the Abkari Act.

3. According to the investigating officer, on 11.05.2014, he collected samples from the toddy shop of the petitioners, and when those samples were subjected to chemical analysis, it was revealed that the samples contained starch.

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

5. It seems that 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 am and 11 am on all Mondays and Thursdays, commencing from 26.01.2015 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.

B.A. No. 109 of 2015

(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

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PA to Judge