

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

Bail Appl..No. 319 of 2015 ()

CRIME NO. 1820/2014 OF PALAKKAD TOWN SOUTH POLICE STATION, PALAKKAD

APPLICANTS :

1. ANEESH
S/O. DEVADAS, AGED 26 YEARS
VALIYAKADU, NELLIYAMKUNNAM
ALATHUR.
2. RAMACHANDRAN, AGED 26 YEARS
S/O. LAKSHMANAN CHETTIYAR, R.S.NIVAS, MAYANNUR
THIRUVILWAMALA, PALAKKAD.

BY ADVS.SRI.M.V.BOSE
SMT.NISHA BOSE
SRI.VINOD MADHAVAN

RESPONDENT :

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

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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B.KEMAL PASHA, J.

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B.A. No.319 of 2015

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Dated this the 4th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A2 and A3 in Crime No.1820 of 2014 of the Palakkad Town South Police Station, registered for the offences punishable under Section 7 of the Essential Commodities Act and Section 6(4) of the Public Distribution System (Control) Order.

3. The 1st petitioner is the driver and the 2nd petitioner is the owner of lorry bearing registration No.KL-11-4483. It is alleged that on 05.12.2014 at 9 a.m., the said lorry was seen parked in front of Amal Agro Food Industries near Sree Kurumba Bhagavathi Temple and that the lorry was found loaded with 15 sacks each containing 50 Kgs of rice and the said sacks were having the seal of FCI. The said institution belongs to the 1st accused.

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

5. The learned counsel for the petitioners has pointed

out that the lorry was hired by the 1st accused for transporting some articles. While some of the articles were being loaded, the same were seized by the District Supply Officer and other officials who were present along with him, and that the petitioners are in no way connected with any offence at all. No criminal antecedents have been reported against the petitioners. Considering the facts and circumstances of the case and the present stage of the investigation, I do not think that the custodial interrogation of the petitioners is required for the continued investigation of this case. Matters being so, this is a fit case wherein anticipatory bail can be granted to the petitioners.

In the result, this bail application is allowed and the investigating officer or such other police 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 Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each 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 09.00 a.m. and 11.00 a.m. on all Wednesdays and Saturdays commencing from 11.03.2015 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

DSV/4/3/15

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P.A. To Judge

