

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

Bail Appl..No. 344 of 2015

CMP 33/2015 of J.M.F.C.-II,HOSDRUG
CRIME NO. 2/2015 OF NILESHWAR POLICE STATION , KASARGOD

PETITIONER/ACCUSED:

K.RAJAN, S/O.KUNHIRAMAN, AGED 37 YEARS
UNICHTTANKAI, NEAR CHEDI COMPANY
PUTHUKAI VILLAGE.

BY ADVS.SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
SMT.ACHU SUBHA ABRAHAM
SMT.K.R.MONISHA
SRI.BOBY C. BABY
SRI.ANOOP BHASKAR

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM REPRESENTING THE STATION HOUSE OFFICER
NILESHWAR POLICE STATION
KASARAGOD DISTRICT - 671 314.

BY PUBLIC PROSECUTOR, SRI.SREEJITH V.S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B. KEMAL PASHA, J.

.....
B.A. No.344 of 2015
.....

Dated this the 22nd day of January, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.2/2015 of Nileshtar Police Station registered for the offence punishable under Section 55(a) of the Abkari Act.

3. The allegation against the petitioner is that on 01.01.2015 he was found transporting 9 bottles each containing 500 ml. of IMFL meant for sales in Pondichery only, in contravention of the provisions of the Abkari Act. The petitioner has been in custody for the period from 01.01.2015 onwards.

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 and the present stage of investigation, 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 Thursdays and Mondays commencing from 29.01.2015 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/22/01

*// True Copy //*

*PA to Judge*