

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

Bail Appl..No. 387 of 2015 ()

CRIME NO. 1/2015 OF KATTAPPANA EXCISE RANGE, IDUKKI DISTRICT

PETITIONER/ACCUSED:

ANDROOSE @ THANKACHAN, AGED 62 YEARS,
S/O.VARGHESE, PERUMRAL HOUSE, MEPPARE,
KANCHIYAR, KATTAPPANA, IDUKKI DISTRICT.

BY ADV. SRI.ROJO J.THURUTHIPARA

RESPONDENT(S)/STATE & COMPLAINANT:

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1. THE STATE OF KERALA,
REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
 2. THE EXCISE INSPECTOR,
EXCISE RANGE, KATTAPPANA, IDUKKI.

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

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B.KEMAL PASHA, J.

.....
B.A. No.387 of 2015

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Dated this the 23rd day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.1/2015 of the Kattappana Excise Range, Idukki registered for the offence punishable under Sections 8(1) and 8(2) of the Abkari Act.

3. The allegations against the petitioner is that on 01.01.2015 at 12.15 p.m., he was found in possession of 20 litres of arrack, in contravention of the provisions of the Abkari Act. The petitioner was arrested on 01.01.2015.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor. The learned Public Prosecutor has opposed the petition. Perused the CD.

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. No criminal antecedents have been reported against the petitioner. The investigation of this case is practically over. Continued detention of the petitioner in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the absence of any criminal antecedents on his part, I am of the view 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 30.01.2015 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

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[True copy]

P.S. to Judge