

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

Bail Appl..No. 619 of 2015 ()

CR.NO. 6/2015 OF CHERUPLASSERY EXCISE RANGE OFFICE, PALAKKAD

PETITIONER/ACCUSED :

**VIJAYA @ KOMALAM, AGED 49,
W/O.CHINNAN, PARAVALI VEEDU, CHEPPOTTIL DESOM
SREEKRISHNAPURAM VILLAGE, OTTAPPALAM TALUK.**

**BY ADVS.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH**

RESPONDENT/STATE/COMPLAINANT :

**1. THE STATE OF KERALA
REPRESENTED BY HIGH COURT OF KERALA, ERNAKULAM
PIN - 682 031.**

**2. EXCISE INSPECTOR
CHERUPLASSERY EXCISE RANGE, OTTAPALAM
PALAKKAD DISTRICT, PIN - 679 101.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B. KEMAL PASHA, J.

.....
B.A. No.619 of 2015
.....

Dated this the 4th day of February, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.6/2015 of Cherpulassery Excise Range registered for the offence punishable under Sections 8(1) and (2) of the Abkari Act.

3. The allegation against the petitioner is that on 22.01.2015 at 12 noon she was found in possession of 2 litres of arrack, in contravention of the provisions of the Abkari Act. The petitioner has been in custody for the period from 22.01.2015 onwards.

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

5. No criminal antecedents have been reported against the petitioner. 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. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the absence of criminal antecedents on her 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 her 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 Wednesdays and Saturdays commencing from 11.02.2015 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 herself 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/04/02

*// True Copy //*

*PA to Judge*