

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

Bail Appl..No. 778 of 2015 ()

CRIME NO. 163/2014 OF KAYAMKULAM EXCISE RANGE OFFICE

PETITIONER/2ND ACCUSED :

**MOJI,
AGED 30 YEARS, S/O. MOHANAN
POOJA BHAVANAM, KANDALLUR SOUTH
KANDALLUR VILLAGE.**

**BY ADVS.SRI.GEORGE VARGHESE (PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SMT.PARVATHY NAIR**

RESPONDENTS/STATE & COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE EXCISE INSPECTOR
KAYAMKULAM EXCISE RANGE
KAYAMKULAM – 690 502.**

R1 & R2 BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.KEMAL PASHA, J.

B.A.No.778 of 2015 B

Dated this the 10th day of February 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the second accused in Crime No.163/2014 of Kayamkulam Excise Range registered for the offence punishable under Section 55(i)(g) of the Abkari Act.

3. The allegation against the petitioner and the other accused is that they were found keeping 210 litres of wash and the implements for brewing arrack in an uninhabited house belongs to the petitioner. The petitioner has been in custody for the period from 3.1.2015 onwards.

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

5. The main allegations are against the first accused, who is the father of the petitioner. The first accused is involved in 7 other Abkari cases, whereas; the petitioner is involved one other case. It seems that the investigation of this case is practically over. 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, as a last chance, in this case also.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for Rs.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 am and 11 am on all Tuesdays and Fridays, commencing from 17.2.2015 for a

period of six months.

(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

dl

// TRUE COPY //

PA to Judge