

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

Bail Appl..No. 822 of 2015 ()

CRIME NO. 4/2015 OF THIRUVALLA EXCISE RANGE, PATHANAMTHITTA DISTRICT

PETITIONER/1ST ACCUSED:

**THANKACHAN, AGED 45 YEARS,
S/O.KESAVAN, PULITHOOKKIL HOUSE,
PUTHUPPADY MURI & VILLAGE, KOZHIKODE TALUK,
KOZHIKODE DISTRICT.**

**BY ADVS.SRI.K.N.RADHAKRISHNAN(THIRUVALLA)
SALIM KAMBISSERRI**

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

B.A.No.822 of 2015 C

Dated this the 16th day of February 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the first accused in Crime No.4/2015 of Thiruvalla Excise Range, Pathanamthitta district registered for the offences punishable under Sections 55(a), 55(D), 58 and 56(b) of the Abkari Act.

3. The allegation against the petitioner is that on 6.1.2015 at 9.30 p.m., he was found keeping 3 litres of spirit and also a huge quantity of toddy, mixed with spirit, at the toddy shop, in which he was employed as a salesman. The petitioner has been in custody for the period from 6.1.2015 onwards.

4. Heard learned counsel for the petitioner and the learned

Public Prosecutor.

5. It seems that the investigation is practically over. No criminal antecedents have been reported against the petitioner. Continued detention of the petitioner in custody is not required for the continued investigation of the case. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the absence of criminal antecedents on the part of the petitioner, 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 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

Mondays and Thursdays, commencing from 23.2.2015 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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PA to Judge