

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Bail Appl..No. 850 of 2015 ()

**CRIME NO. 13/2015 OF NEELESWARAM EXCISE RANGE OFFICE,
KASARGOD DISTRICT**

PETITIONER/ACCUSED :

**K.THAMBAN, AGED 47 YEARS
S/O.MANIYARA KAMMARAN, RESIDING AT KATAVAMKODU
ECHIKKANAM, CHULLIMOOLA, AMBALATHARA VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT.**

**BY ADVS.SRI.T.MADHU
SRI.MURUGAN P.V.**

RESPONDENT/STATE :

**THE STATE OF KERALA
THROUGH THE STATION HOUSE OFFICER,
NILESHWAR EXCISE RANGE, KASARAGOD DISTRICT
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B. KEMAL PASHA, J.

.....
B.A. No.850 2015
.....

Dated this the 25th 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.13/2015 of Nileshtar Excise Range registered for the offence punishable under Section 55(i) of the Abkari Act.

3. The allegation against the petitioner is that on 07.02.2015 at 2.15 p.m., he was found engaged in selling IMFL, in contravention of the provisions of the Abkari Act, and a quantity of 1.900 litres of IMFL was seized from his possession. The petitioner has been in custody for the period from 02.02.2015 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 Wednesdays and Saturdays commencing from 04.03.2015 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/25/02

*// True Copy //*

*PA to Judge*