

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

Bail Appl..No. 1062 of 2015

CRIME NO. 122/2014 OF HOSDURG EXCISE RANGE OFFICE , KASARGOD DISTRICT

PETITIONER(S)/ACCUSED :

**CHIRUTHA, AGED 62 YEARS,
W/O.NARAYANAN, CHEMMOODU HOUSE, KODOM VILLAGE,
VELLARIKUNDU TALUK, KASARAGOD DISTRICT.**

BY ADV. SRI.T.MADHU

RESPONDENT(S)/STATE :

**THE STATE OF KERALA,
THROUGH THE EXCISE RANGE OFFICER,
HOSDURG EXCISE RANGE, KASARAGOD DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B. KEMAL PASHA, J.

.....
B.A. No.1062 of 2015
.....

Dated this the 4th day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.122/2014 of Hosdurg Excise Range registered for the offence punishable under Section 55(g) of the Abkari Act.

3. The allegation against the petitioner is that on 22.11.2014 at 7.20 p.m., she was found in possession of 20 litres of wash for brewing arrack in contravention of the provisions of the Abkari Act. The petitioner has been in custody for the period from 12.02.2015 onwards.

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

5. No criminal antecedents have been reported against the petitioner. 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 11.03.2015 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 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/04/03

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PA to Judge