

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

Bail Appl..No. 1071 of 2015 ()

CRIME NO. 29/2014 OF BEDIADKA EXCISE RANGE OFFICE, KASARGOD

PETITIONER/ACCUSED :

**SAVITHRI.B., AGED 55 YEARS,
W/O.NARAYANA NAIK, RESIDING AT SARPPAMGALA VEETIL,
BANVATHADUKKA, ENMAKEJE VILLAGE, MANJESHWAR TALUK,
KASARAGOD DISTRICT.**

**BY ADVS.SRI.JAWAHAR JOSE
SRI.ARUN AJAY SHANKAR**

RESPONDENT/STATE :

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

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

.....
B.A. No.1071 of 2015

.....
Dated this the 19th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.29/2014 of the Badiadka Excise Range, Kasaragode registered for the offence punishable under Section 55(a) of the Abkari Act.

3. The allegation against the petitioner is that on 05.05.2014 at 2.30 p.m., she was found transporting 284 bottles, each containing 180 ml of Indian Made Foreign Liquor, in contravention of the provisions of the Abkari Act. She was not placed under arrest, as no woman officer was present along with the excise party. The arrest was recorded while she was undergoing detention in Crime No.7/2015 of the Badiadka Excise Range, on 03.02.2015.

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

5. It is true that the petitioner is an accused in Crime No.7/2015 of the Badiadka Excise Range also. At the same time, it is a fact that the petitioner was not placed under arrest when the offence in this case was detected and her arrest was formally recorded on 03.02.2015 only. At the same time, it is a fact that she has been in custody for the period from 20.01.2015 onwards. Considering the facts and circumstances of the case and the present stage of investigation, I am of the view that her continued detention in custody is not required for the continued investigation of this case. Matters being so, this Court is of the view that the petitioner can be enlarged on bail in this case also.

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 Thursdays and Mondays commencing from 26.03.2015 for a period of six months.

(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

ul/-

[True copy]

P.S. to Judge