

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. 1100 of 2015

CRIME NO. 4/2015 OF NEELESWARAM EXCISE RANGE, KASARAGOD DISTRICT.

PETITIONER(S)/ACCUSED 1 & 2:

- 1. LAKSHMI, AGED 50 YEARS,
W/O. LATE KANNAN, NAYKKAR VEEDU,
CHULLY DESOM, BALAL VILLAGE,
VALLARIKUNDU TALUK, KASARAGOD DISTRICT.**
- 2. SUNIL @ JIJIN, AGED 30 YEARS,
S/O. LATE KANNAN, NAYKKAR VEEDU,
CHULLY DESOM, BALAL VILLAGE,
VALLARIKUNDU TALUK, KASARAGOD DISTRICT.**

**BY ADVS. SRI.GOPAKUMAR R.THALIYAL
SRI.R.B.RAJESH**

RESPONDENT/STATE/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI - 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:**

mbr/

B. KEMAL PASHA, J.

.....
B.A. No.1100 of 2015
.....

Dated this the 4th day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioners are A1 and A2 in Crime No.4/2015 of Neeleswaram Excise Range registered for the offences punishable under Sections 8(1) and (2) and 55(g) of the Abkari Act.

3. The allegation against the petitioners is that on 15.01.2015 at 5 p.m., they were found in possession of 330 litres of wash and 5 litres of arrack at their house, in contravention of the provisions of the Abkari Act. A1 was arrested on 15.01.2015 and A2 has surrendered on 21.01.2015 and thereafter, they have been in custody.

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

5. It seems that the investigation is practically over.

No criminal antecedents have been reported against the petitioners. The continued detention of the petitioners in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioners in custody, the present stage of investigation and the absence of criminal antecedents on their part, I am satisfied that the petitioners can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on each of them 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 petitioners 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 petitioners shall not tamper with the evidence or influence witnesses.*

*(iii) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.*

*(iv) The petitioners 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

*// True Copy //*

*PA to Judge*