

**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.1140 of 2015**  
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**(CRIME NO.12/2015 OF KARUNAGAPPALLY EXCISE RANGE,KARUNAGAPPALLY).**

**..**

**PETITIONER/ACCUSED:**  
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**THANKAPPAN,S/O.AYAPPAN,AGED 59 YEARS,  
KULATHUR KIZHAKKATHIL MANAPPALLY THEKKU MURI,  
PAVUMBA VILLAGE,KARUNAGAPPALLY.**

**BY ADV. SRI.M.R.SASITH**

**RESPONDENTS:**  
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- 1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,ERNAKULAM.**
- 2. EXCISE INSPECTOR,EXCISE RANGE OFFICE,  
KARUNAGAPPALLY-690001.**

**BY PUBLIC PROSECUTOR SRI.SREEJITH V.S**

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

**pk**

**B.KEMAL PASHA, J.**

.....  
B.A. No.1140 of 2015

.....  
Dated this the 19<sup>th</sup> day of March, 2015

**ORDER**

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.12/2015 of the Karunagappally Excise Range, registered for the offences punishable under Sections 8(2) of the Abkari Act.

3. The allegation against the petitioner is that on 23.01.2015 at 11.40 a.m., he was found in possession of 10 litres of arrack, in contravention of the provisions of the Abkari Act. The petitioner has been in custody for the period from 23.01.2015 onwards.

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

5. No criminal antecedents have been reported

against the petitioner. Investigation of this case is practically over. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and in the absence of any criminal antecedents on his part, I am of the view 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 Thursdays and Mondays commencing from 26.03.2015 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**

ul/-

[True copy]

P.S. to Judge