

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

Bail Appl..No. 1196 of 2015 ()

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CRIME NO. 44/2015 OF KODUVALLY POLICE STATION,
KOZHIKODE DISTRICT
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PETITIONER/ACCUSED :

**KUTTIMALU, AGED 58 YEARS,
WIFE OF KARUNAN, RESIDING AT XIV/82,
NAIKUNI PANCHAYATH, KOZHIKODE DISTRICT.**

BY ADV. SRI.JACOB ABRAHAM

RESPONDENT :

**SUB INSPECTOR OF POLICE
KODUVALLY POLICE STATION, KOZHIKODE RURAL.**

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

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B.A. No.1196 of 2015

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Dated this the 6th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.44 of 2015 of the Koduvally Police Station, registered for the offences punishable under Sections 55(a) and 58 of the Abkari Act.

3. The allegation against the petitioner is that she along with her two sons, who are A2 and A3, procured Indian Made Foreign Liquor from Mahe and kept it at their house for sales and on 11.02.2015 at 10 p.m., a quantity of 27 litres of Indian Made Foreign Liquor was seized from the house of the petitioner.

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

5. It is true that A2 and A3 are at large. At the same time, it seems that the petitioner woman has been in custody for the period from 11.02.2015 onwards. No criminal antecedents have been reported against the petitioner. Having regard to the period undergone by the petitioner in custody, and considering the facts and circumstances of the case and the present stage of the investigation, and also the absence of any criminal antecedents on her part, I am of the view that the petitioner can be enlarged on bail on conditions.

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) Petitioner shall report before the Investigating Officer in between 9 a.m. and 11

a.m. on all Fridays and Tuesdays commencing from 13.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) Petitioner shall not tamper with the evidence or influence witnesses.

(iii) Petitioner shall make herself available for interrogation as and when required by the Investigating Officer.

(iv) 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**

DSV/6/3/15

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P.A. To Judge