

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

Bail Appl..No. 1223 of 2015

CRIME NO. 14/2015 OF KASARAGOD EXCISE RANGE OFFICE , KASARGOD

PETITIONER(S)/ACCUSED:

**RAMACHANDRA MANIYANI, AGED 50 YEARS
S/O.LATE NARAYANA MANIYANI, GOKULA NILAYA
KUDLU VILLAGE, KASARAGOD.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. STATION HOUSE OFFICER
KASARAGOD EXCISE RANGE - 671 121.**
 - 2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B. KEMAL PASHA, J.

.....
B.A. No.1223 of 2015
.....

Dated this the 9th day of March, 2015

O R D E R

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.14/2015 of Kasaragod Excise Range registered for the offence punishable under Section 58 of the Abkari Act.

3. The allegation against the petitioner is that on 07.02.2015 at 8 a.m. he was found in possession of 4.680 litres of IMFL meant for sales in the State of Goa only, in contravention of the provisions of the Abkari Act. The petitioner has been in custody for the period from 07.02.2015 onwards.

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

5. The learned Public Prosecutor has pointed out

that the petitioner is involved in two other abkari cases registered as Crime Nos.57/2007 and 137/2014 of the very same excise range and in Crime No.57/2007, he has been convicted and sentenced to undergo imprisonment for two years and to pay an amount of ₹1 lakh as fine amount. It seems that 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 and the present stage of investigation, I am of the view that the petitioner can be enlarged on bail in this case also as a last chance, on strict conditions.

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 Mondays and Thursdays commencing from 16.03.2015 for a period of six months.

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

(iii) The petitioner shall make 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)

aks/09/03

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PA to Judge