

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

Bail Appl.No. 1266 of 2015

CRIME NO. 14/2015 OF EXCISE RANGE KONNY, PATHANAMTITTA
.....

PETITIONER(S)/ACCUSED NO.1 & 2:

- 1. KAMALASANAN, AGED 65 YEARS,
S/O.DAMODHARAN, MAKAM NIVAS, PADAM,
KALANJOOR VILLAGE, KONNY TALUK.**
- 2. ABDUL RAHAMAN, AGED 56 YEARS,
S/O.NAGOOR RAWTHER, PALLIKKAOODAMPARAMBIL, PADAM,
KALANJOOR VILLAGE, KONNY TALUK.**

**BY ADVS.SRI.M.MANOJ KUMAR
SMT.L.SMITHARAJ**

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
10-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B. KEMAL PASHA, J.

.....
B.A. No.1266 of 2015
.....

Dated this the 10th day of March, 2015

ORDER

~~~~~

Petition filed under Section 439 Cr.P.C.

2. Petitioners are the accused in Crime No.14/2015 of Konni Excise Range registered for the offences punishable under Sections 55(a), 55(i) and 67B of the Abkari Act.

3. The allegation against the petitioners is that on 21.02.2015 at 2.30 p.m. they were found transporting 17 litres of IMFL, in contravention of the provisions of the Abkari Act, by a Santro car. The petitioners have been in custody for the period from 21.02.2015 onwards.

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. Having regard to the period undergone by the petitioners in custody and the present stage of investigation, and the facts and circumstances of the case, 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 Tuesdays and Fridays commencing from 17.03.2015 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.*

BA.1266/2015

: 3 :

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/10/03

*// True Copy //*

*PA to Judge*