

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW**

**FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937**

**Bail Appl..No. 1330 of 2015 ()**

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**CRIME NO. 245/2015 OF PUTHENCROUZ POLICE STATION, ERNAKULAM DISTRICT.**

**.....**

**PETITIONER/ACCUSED NO.1:**

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**SUNDARESAN. G., AGED 64 YEARS,  
S/O. GOPALAN. N., KAILAS, KESAVAN NAGAR,  
HOUSE NO. 22, MUNDAKKAL WEST,  
MUNDAKAL VILLAGE, KOLLAM DISTRICT.**

**BY ADVS.SRI.S.RAJEEV,  
SRI.K.K.DHEERENDRAKRISHNAN,  
SRI.V.VINAY.**

**RESPONDENTS/STATE:**

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- 1. STATE OF KERALA,  
REP. BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM - 682 031,  
(CRIME NO. 245/2015 OF PUTHENCROUZ POLICE STATION,  
ERNAKULAM DISTRICT).**
- 2. STATION HOUSE OFFICER,  
PUTHENCROUZ POLICE STATION,  
ERNAKULAM DISTRICT - 682 308.  
(CRIME NO. 245/2015 OF PUTHENCROUZ POLICE STATION,  
ERNAKULAM DISTRICT).**

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

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 22-05-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**rs.**

**K. ABRAHAM MATHEW, J.**

.....  
**B.A. No. 1330 of 2015**  
.....

Dated this the 22<sup>nd</sup> day of May, 2015

**ORDER**

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the first accused in Crime No.245 of 2015 of Puthencruz Police Station registered for the offences under sections 120B, 407, r/w section 34 of IPC and section 3 r/w section 7 of the Essential Commodities Act, 1955.

3. The allegation is that on behalf of the petitioner the co-accused was found transporting of Bitumen without any documents.

4. Heard.

5. It appears that the Essential Commodities Act is not applicable to the facts of the case. The petitioner is a PWD contractor. As the goods were carried without any authority, it is necessary to conduct an investigation. But custodial interrogation is not necessary for effective investigation.

In the result, this application is allowed.

1) The petitioner shall be released on bail after interrogation on his executing a bond for Rs. Twenty five thousand only with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.

2) He shall appear before the Investigating Officer for

interrogation if he is so required by him in writing.

3) He shall not destroy or tamper with evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-  
**K.ABRAHAM MATHEW**  
**JUDGE**

**DST**

**//True copy//**

**P.A. To Judge**