

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

Bail Appl..No. 1385 of 2015 ()

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CRIME NO. 17/2015 OF KASARAGOD EXCISE RANGE.**

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PETITIONER/ACCUSED :

**M. NARAYANAN NAIR, S/O. LATE KANNAN NAIR,
AGED 56 YEARS, MACHIPPURAM MOTTA VEEDU,
MACHIPPURAM MOTTA DESOM, THEKKIL VILLAGE,
KASARAGOD TALUK, KASARAGOD.**

BY ADV. SRI.T.G.RAJENDRAN.

RESPONDENTS/COMPLAINANT/STATE :

- 1. THE STATION HOUSE OFFICER,
KASARAGOD EXCISE RANGE, PIN-673 121.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B. KEMAL PASHA, J.

.....
B.A. No.1385 of 2015
.....

Dated this the 25th day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.17/2015 of Kasaragod Excise Range registered for the offence punishable under Section 55(i) of the Abkari Act.

3. The allegation against the petitioner is that on 19.02.2015 at 11.45 a.m. he was found engaged in selling of IMFL in contravention of the provisions of the Abkari Act and a quantity of 13.125 litres of IMFL was seized from his possession. The petitioner has been in custody for the period from 19.02.2015 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 another abkari case also in

which a huge quantity of IMFL was involved. 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. Considering the facts and circumstances of this case and 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, as a last chance.

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 Wednesdays and Saturdays commencing from 01.04.2015 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/25/03

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PA to Judge