

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

Bail Appl..No. 1404 of 2015

CRIME NO. 51/2012 OF EXCISE RANGE OFFICE, CHENGANNUR, ALAPPUZHA

PETITIONER(S)/2ND ACCUSED:

**SUMESH, AGED 29 YEARS
S/O.SURENDRAN, CHERUSSERIL VEEDU
VALLAMKULAM KIZHAKKU MURI, ERAVIPEROOR, VILLAGE
THIRUVALLA TALUK.**

**BY ADVS.SRI.P.HARIDAS
SMT.S.SIKKY
SRI.P.C.SHIJIN**

RESPONDENT(S)/STATE AND COMPLAINANT:

**1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**

**2. CIRCLE INSPECTOR OF POLICE
EXCISE RANGE OFFICE, CHENGANNUR-688 101.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B. KEMAL PASHA, J.

.....
B.A. No.1404 2015
.....

Dated this the 17th day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 2<sup>nd</sup> accused in C.R. No.51/2012 of Chengannur Excise Range registered for the offences punishable under Sections 55(a), 55(i), 63 and 64A of the Abkari Act.

3. The allegation against the petitioner and the other accused is that on 13.06.2012 at 7.15 p.m., they were found transporting 35 litres of spirit by motorbike bearing registration No.KL-44A-6674. On seeing the excise party, the petitioner ran away from the spot and, therefore, he could not be arrested. The petitioner was placed under arrest on 15.02.2015 and thereafter, he has been in custody.

4. Heard learned counsel for the petitioner and the

learned Public Prosecutor.

5. No criminal antecedents have been reported against the petitioner. 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 satisfied that the petitioner can be enlarged on bail.

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 Tuesdays and Fridays, commencing from*

*24.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.*

*(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/17/03

*// True Copy //*

*PA to Judge*