

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

Bail Appl..No.1532 of 2015

(O.R NO.52/2013 OF EXCISE RANGE,CHITTAR,PATHANAMTHITTA DISTRICT).

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PETITIONER/1ST ACCUSED:

**PRADEEP,AGED 38 YEARS,S/O.VASU,
PUTHUVETIL HOUSE,KOCHADY,
ANGAMOOTHY,CHITTAT SEETHATHODU VILLAGE,
KONNI TALUK,PATHANAMTHITTA.**

**BY ADVS.SRI.LIJI.J.VADAKEDOM
SRI.RAJEEV JYOTHISH GEORGE**

RESPONDENTS/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM - 682031.**
- 2. THE EXCISE RANGE OFFICER - CHITTAR,
PATHANAMTHITTA DISTRICT - 691 526.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B.KEMAL PASHA, J.

.....
B.A. No.1532 of 2015

.....
Dated this the 24th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 1st accused in O.R. No.52/2013 of the Chittar Excise Range, Pathanamthitta registered for the offences punishable under Sections 8(1) and (2) and Section 67(B) of the Abkari Act.

3. The allegation against the petitioner and the other accused is that on 16.10.2013 at 7.30 p.m., they were found transporting two cans containing arrack by an autorickshaw, in contravention of the provisions of the Abkari Act, and on seeing the excise party, they threw away the cans and ran away from the spot. The petitioner has been in custody for the period from 24.01.2015 onwards.

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

5. No criminal antecedents have been reported against the petitioner. Investigation of this case is practically over. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and in the absence of any criminal antecedents on his part, I am of the view 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 31.03.2015 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

ul/-

[True copy]

P.S. to Judge