

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

Bail Appl..No. 1546 of 2015 ()

CRIME NO. 72/2015 OF KOOTHATTUKULAM POLICE STATION, ERNAKULAM DISTRICT

PETITIONER/ACCUSED:

**JIS MATHEW, AGED 33 YEARS, S/O. MATHAI,
THONIPPATTU VEEDU, PAZHAYA ROAD COLONY,
BAPPUJI JUNCTION, KOOTHATTUKULAM.**

BY ADV. SRI. NIREESH MATHEW

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI. V. S. SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

B.KEMAL PASHA, J.

.....
B.A. No.1546 OF 2015
.....

Dated this the 6th day of April, 2015

ORDER

Petition filed under Section 439 Cr.PC.

2. Petitioner is the accused in Crime No.72/2015 of the Koothattukulam Police Station, Ernakulam registered for the offences punishable under Sections 55(a) and (i) of the Abkari Act.

3. The allegation against the petitioner is that on 27.01.2015 at 11.30 a.m., he was found transporting 31.380 litres of Indian Made Foreign Liquor by his autorickshaw, in contravention of the provisions of the Abkari Act. The petitioner has been in custody for the period from

03.02.2015 onwards.

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

5. It is true that the petitioner is involved in two other Abkari cases. At the same time, even though he has been in custody for the period from 03.02.2015 onwards, investigation of this case is not over and final report has not been filed in the matter. Matters being so, the petitioner is entitled to compulsive bail under Section 167(2) Cr.P.C.

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 Mondays and Thursdays commencing from 13.04.2015 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

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[True copy]

P.S. to Judge