

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

Bail Appl..No. 1563 of 2015 ()

CRIME NO. 123/2015 OF ADHUR POLICE STATION, KASARAGOD DISTRICT

PETITIONER/ACCUSED :

**SOMASEKHARA M.,
S/O.GOPALA NAIK, AGED 57 YEARS
MANDABETTU, ADOOR
KASARAGOD.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS/COMPLAINANT/STATE :

**1. THE STATION HOUSE OFFICER,
ADHUR POLICE STATION, KASARAGOD - 671 543**

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

R1& R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01-04-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B. KEMAL PASHA, J.

.....
B.A. No.1563 of 2015
.....

Dated this the 1st day of April, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.123/2015 of Adhur Police Station registered for the offence punishable under Section 55(a) of the Abkari Act.

3. The allegation against the petitioner is that on 03.03.2015 at 5 p.m. he was found transporting 96 bottles, each containing 180ml., and 46 packets, each containing 180 ml., of IMFL meant for sales in the State of Karnataka only, in contravention of the provisions of the Abkari Act. The petitioner has been in custody for the period from 04.03.2015 onwards.

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 Wednesdays and Saturdays commencing from 08.04.2015 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/01/04

//True copy//

PA to Judge.