

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

Bail Appl.No. 1734 of 2015

CRIME NO. 206/2015 OF MANANTHAVADY POLICE STATION, WAYANAD
.....

APPLICANT/2ND ACCUSED:

**SHIVSHANKARAN @ RAJAN, AGED 53 YEARS,
S/O.BALAKRISHNAN, ULLATTUTHODY HOUSE,
KALLUMOTTAM KUNNU, MANANTHAVADY, WAYANAD DISTRICT.**

**BY ADVS.SRI.KRISHNA PRASAD S.
SRI.B.SIBI**

RESPONDENT(S)/COMPLAINANT/STATE:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
REPRESENTING THE SUB INSPECTOR OF POLICE,
MANANTHAVADY POLICE STATION.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B. KEMAL PASHA, J.

.....
B.A. No.1734 of 2015
.....

Dated this the 30th 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 Crime No.206/2015 of Mananthavady Police Station registered for the offence punishable under Section 55(a) of the Abkari Act.

3. The allegation against the petitioner is that on 15.03.2015 at 4 p.m. he, along with the other accused, were found transporting 40 bottles each containing 500 ml. of IMFL in contravention of the provisions of the Abkari Act. The petitioner has been in custody for the period from 15.03.2015 onwards.

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

5. The learned counsel for the petitioner has

pointed out that there are no criminal antecedents on the part of the petitioner. It has been pointed out that the petitioner is an autorickshaw driver and the 1<sup>st</sup> accused, who is a habitual offender involved in abkari offences, hired his autorickshaw with a packet by saying that it was tapioca and that was the reason for permitting him to travel by the autorickshaw. Having regard to the period undergone by the petitioner in custody and the present stage of investigation, I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case. Matters being so, 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 Mondays and Thursdays commencing from 06.04.2015 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/30/03

*// True Copy //*

*PA to Judge*