

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

Bail Appl..No. 1786 of 2015

CRIME NO. 35/2015 OF SASTHAMCOTTA EXCISE RANGE OFFICE , KOLLAM

PETITIONER(S)/IST ACCUSED:

**RATHEESH, AGED 31 YEARS,
S/O.CHANDRASEKHARA PILLAI, RATHEESH BHAVANAM
PORUVAZHY VADAKKEMURI, PORUVAZHY, KOLLAMDISTRICT.**

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE EXCISE INSPECTOR
SASTHAMCOTTA EXCISE RANGE, KOLLAM DISTRICT -691 001.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-04-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

.....
B.A. No.1786 of 2015

.....
Dated this the 8th day of April, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the first accused in Crime No.35/2015 of the Sasthamcotta Excise Range, Kollam registered for the offences punishable under Sections 55(a), (b), 55(D), 57(A) and 58 of the Abkari Act.

3. The allegation against the petitioner is that on 08.03.2015 at 10 a.m., he, along with A2 and A3, were found in possession of 800 ml of spirit and 120.80 litres of toddy mixed with spirit, in contravention of the provisions of the Abkari Act. The petitioner has been in custody for the period from 08.03.2015 onwards.

4. Heard learned counsel for the petitioner and the

learned Public Prosecutor. Perused the CD.

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 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 Wednesdays and Saturdays commencing from 15.04.2015 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

ul/-

[True copy]

P.S. to Judge