

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

Bail Appl..No. 1897 of 2015 ()

CRIME NO. 165/2015 OF NILESHWAR POLICE STATION, KASARGOD DISTRICT

PETITIONER/ACCUSED:

**RATHEESH K.V.,AGED 30 YEARS,
S/O.GANGADHARAN, RESIDING AT KIZHAKKE VEEDU, MANOORI,
CHAYYOM, KINANOOR VILLAE, HOSDURG TALUK,
KASARAGOD DISTRICT.**

BY ADV. SRI.T.MADHU

RESPONDENT/STATE:

**THE STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER,
NILESHWAR POLICE STATION, KASARAGOD DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

.....
B.A. No.1897 of 2015

.....
Dated this the 7th day of April, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.165/2015 of the Nileshwar Police Station, Kasaragod registered for the offence punishable under Section 55(a) of the Abkari Act.

3. The allegation against the petitioner is that on 14.03.2015 at 2.45 p.m., he was found in possession of 1 litre of Indian Made Foreign Liquor, meant for sales in Pondicherry only, in contravention of the provisions of the Abkari Act. The petitioner has been in custody for the period from 14.03.2015 onwards.

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

5. It has come out that he is an accused in Crime No.109/2015 of the very same Police Station and in that case he was arrested on 14.03.2015 and while he was undergoing detention in this case, his arrest was formally recorded in the other case. Investigation of this case is practically over. Having regard to the period undergone by the petitioner in custody, 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 14.04.2015 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

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[True copy]

P.S. to Judge