

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. 1931 of 2015 ()

CRIME NO. 437/2015 OF KUNNICODE POLICE STATION, KOLLAM DISTRICT

PETITIONER(S)/ACCUSED :

1. BIJU, AGED 38 YEARS, S/O.VASUDEVAN,
THULASI VILASOM, THAZHATH, CHAKKUVARACKAL MURI,
CHAKKUVARACKAL VILLAGE, KOTTARAKARA.
2. RAJU @ RAJAN, AGED 38 YEARS, S/O.DANDAPANI NADAR,
SAJI VILASOM, THAZHATH, CHAKKUVARACKAL MURI,
CHAKKUVARACKAL VILLAGE, KOTTARAKARA.

BY ADV. SRI.ALEXANDER GEORGE

RESPONDENT(S)/COMPLAINANT/STATE :

1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031
2. THE SUB INSPECTOR OF POLICE, KUNNICODE POLICE STATION,
KOTTARAKARA, KOLLAM DISTRICT-691 506

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

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

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B. KEMAL PASHA, J.

.....
B.A. No.1931 of 2015
.....

Dated this the 8th day of April, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioners are accused Nos.1 and 2 in Crime No.437/2015 of Kunnikode Police Station registered for the offence punishable under Section 55(a) of the Abkari Act.

3. The allegation against the petitioners is that on 26.03.2015 at 8.20 p.m., they were found transporting 8 litres of IMFL by motorbike bearing registration No.KL-24H-528, in contravention of the provisions of the Abkari Act. The petitioners have been in custody for the period from 26.03.2015 onwards.

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

5. It seems that the investigation is practically over.

No criminal antecedents have been reported against the petitioners. Having regard to the period undergone by the petitioners in custody and the present stage of investigation, and the facts and circumstances of the case, I am satisfied that the petitioners can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on each of them 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 petitioners 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 petitioners shall not tamper with the evidence or influence witnesses.*

*(iii) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.*

*(iv) The petitioners 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/08/04

*// True Copy //*

*PA to Judge*