

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

Bail Appl..No. 2109 of 2015

CRIME NO. 39/2014 OF KUTTAMPUZHA EXCISE RANGE, ERNAKULAM DISTRICT.
.....

PETITIONER/1ST ACCUSED:

**PAULOSE @ POCHAN, AGED 48 YEARS,
S/O.THOMAS, PUTHENPURACKAL HOUSE,
NOOREKKAR, KUTTAMPUZHA VILLAGE,
KOTHAMANGALAM TALUK.**

BY ADV. SRI.GEORGE SEBASTIAN

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.REMA.R

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

B.A. No.2109 of 2015

Dated this the 30th day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is alleged to have committed the offences under Sections 8(1) and (2) and 55(g) of the Abkari Act.

3. The prosecution case is that at 4 in the morning on 18.12.2014 they were found to be in possession of arrack and wash used for manufacturing arrack.

4. Heard.

5. The learned counsel submits that the first petitioner is an active worker of anti liquor movement in his locality and this case was falsely registered at the instance of the liquor lobby. He relies on Annexure-b in support of his case that the petitioner is involved in antiliquor agitation.

6. I have perused the case diary. There are some very suspicious circumstances. The incident allegedly took place in an isolated place in the midst of a jungle of

bamboos. The excise officers with two independent witnesses from the locality are alleged to have reached the place of occurrence in a country boat without being noticed by the offenders and the petitioner and the coaccused jumped into the nearby river and escaped. It is not proper for me to make any comments about it and the identification of the offenders as the investigation has been closed for all practical purposes in this proceedings. But it is necessary to mention that no attempt has so far being made by the investigating officer to ascertain the ownership of the two sim cards and mobile phones alleged to have recovered from the place of occurrence, the reason for which is unknown. The investigation is almost over. Having regard to these facts I am inclined to grant the prayer of the petitioners.

In the result, this application is allowed.

1. The petitioner shall be released on bail after interrogation on his executing a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties for the like sum each if he is arrested in connection with this case.

2. He shall appear before the investigating officer for

interrogation if he is so required by him in writing.

3. He shall not get himself involved in any other criminal case while he is on bail.

4. He shall not intimidate or attempt to influence the witnesses.

5. He shall not destroy or tamper with evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law.

If the petitioner surrenders before the Magistrate, this order is not applicable and the learned magistrate may pass appropriate orders.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge