

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

FRIDAY, THE 24TH DAY OF APRIL 2015/4TH VAISAKHA, 1937

Bail Appl..No. 2129 of 2015 (A)

AGAINST THE ORDER IN CRL.MC 758/2015 of SESSIONS COURT, ERNAKULAM
DATED 08-04-2015
CRIME NO. 21/2015 OF MOOVATTUPUZHA EXCISE RANGE OFFICE , ERNAKULAM

PETITIONERS/ACCUSED NO.1 & 2:

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1. MUHAMMED SHEMIL, AGED 23 YEARS
S/O.ISMAIL, PAZHAYANCHERYPADANNA HOUSE
PUTHIYAPALAM KARA, VALAYANADU VILLAGE
KOZHIKODE DISTRICT
 2. RAMSHD.M.
S/O.ABDUL REHIMAN, AGED 20 YEARS, MUNDOLI HOUSE
KOLAPPARATHIPADAM KARA, AREKKADU, NALLALAM VILLAGE
KOZHIKODE DISTRICT

BY ADVS. SRI.K.S.ARUN KUMAR
SMT.M.N.MAYA

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.C.RASHEED

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
24-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BABU MATHEW P. JOSEPH, J.

B. A. No.2129 of 2015

Dated this the 24th day of April, 2015

ORDER

This petition is filed under Section 439 of Cr.P.C. for bail.

2. Heard the learned counsel appearing for the petitioners and the learned Public Prosecutor appearing for the respondent.

3. The petitioners are the accused in Crime No.21 of 2015 of the Excise Range Office, Moovattupuzha. The offence alleged is under Section 58 of the Abkari Act. The allegation is that the petitioners were found in possession of 117 bottles of Indian made foreign liquor. They were arrested on 24-03-2015 and produced before the court. They were remanded to judicial custody. They continue to be in custody. Learned counsel for the petitioners submits that the petitioners are innocent of the allegations raised against them. They have no criminal antecedents. The investigation of the case is almost over. The continued custody of the petitioners is not required for completing the investigation.

4. Learned Public Prosecutor, on instructions, submits that

the investigation of the case is almost over. In view of this fact and the facts that the contraband involved in this case is Indian made foreign liquor, the period the petitioners have already spent in jail and no criminal antecedents have been reported against the petitioners, the learned Public Prosecutor has not opposed this petition. In the light of the facts weighed with the learned Public Prosecutor, this Court is also of the view that the petitioners can be granted bail imposing appropriate conditions. Therefore, the petitioners are granted bail subject to the following conditions:-

- 1)The petitioners shall be released on bail on their executing bonds for ₹ 25,000/- (Rupees twentyfive thousand only) each with two solvent sureties each for the like sum to the satisfaction of the concerned Magistrate's Court.
- 2)The petitioners shall report before the Investigating Officer between 9.00 a.m. and 11.00 a.m. on all Thursdays for a period of two months.
- 3)The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police

Officer.

- 4)The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.
- 5)The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.
- 6)The petitioners shall not commit any similar offence while on bail.
- 7)The petitioners shall not leave India without the previous permission of the concerned Magistrate's Court.

This petition is allowed as above.

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

kns/-

//TRUE COPY//

P.A. TO JUDGE

