

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

TUESDAY, THE 21ST DAY OF APRIL 2015/1ST VAISAKHA, 1937

Bail Appl..No. 2130 of 2015 ()

CRIME NO. 29/2015 OF PATHANAPURAM EXCISE RANGE, KOLLAM DISTRICT.

PETITIONER/ACCUSED:

**RAJAN PILLAI, AGED 52 YEARS,
S/O.PADMANABHAN PILLAI, RAJI BHAVAN,
PANTHAPLAVU MURI, PATTAZHY VILLAGE,
PATHANAPURAM TALUK.**

BY ADV. SMT.ANITHA M.N. (EKM).

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.N. SURESH.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

BABU MATHEW P. JOSEPH, J.

B.A.No. 2130 of 2015

Dated this the 21st 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 petitioner and the learned Public Prosecutor appearing for the respondent.

3. The petitioner is the accused in crime No.29 of 2015 of the Excise Range Office, Pathanapuram. The offence alleged is under Section 55(i) of the Abkari Act. The allegation is that the petitioner was found in possession of 3.7 litres of Indian made foreign liquor for the purpose of sale. He was arrested on 27.3.2015 and produced before the Court. He was remanded to judicial custody. He continues to be in custody. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised

against him. He has no criminal antecedents. The investigation of the case is almost over. She further submits that the continued custody of the petitioner 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 fact that 3.7 litres of Indian made foreign liquor alone is involved in this case as also considering the period already spent by the petitioner in jail, the learned Public Prosecutor has no objection to grant bail. In the light of the facts weighed with the learned Public Prosecutor, this court is also of the view that the petitioner can be granted bail imposing appropriate conditions. Therefore, the petitioner is granted bail subject to the following conditions:

- 1) The petitioner shall be released on bail on his executing a bond for Rs.10,000/- (Rupees ten thousand only) with two solvent

sureties each for the like sum to the satisfaction of the concerned Magistrate's Court.

2) The petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Mondays for a period of two months.

3) The petitioner 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 petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

5) The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

6) The petitioner shall not commit any similar offence while on bail.

7) The petitioner shall not leave India without the previous permission of the concerned Magistrate's Court.

This application is allowed as above.

BABU MATHEW P. JOSEPH, JUDGE.

DG