

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Bail Appl..No. 2352 of 2015

CRIME NO. 2287/2014 OF CHAVARA POLICE STATION, KOLLAM DISTRICT.
.....

PETITIONER:

**ABDUL RAHIM.A, AGED 49 YEARS,
S/O ALIYARUKUNJU, VILAYI PUTHENVEED,
PUTHENCHANTHACHAVARA, CHAVARA P.O.,
KOLLAM DISTRICT.**

BY ADV. SRI.NOORJI NOUSHAD

RESPONDENT/COMPLAINANT:

**SUB INSPECTOR OF POLICE,
CHAVARA POLICE STATION,
REPRESENTED BY THE STATE PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.MADHUBEN.M

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

SUNIL THOMAS, J.

B.A. No. 2352 of 2015

Dated this the 14th day of July, 2015

ORDER

This application for pre arrest bail is preferred by the 3rd accused in Crime No. 2287/2014 of Chavara Police Station for offences punishable under Section 5(a) of Kerala Rationing Order and Sections 3 and 7 of the Essential Commodities Act.

2. It was alleged that on 01.10.2014, the accused no. 1 and 2 were found transporting ration rice in a lorry without any license and document, and were intercepted by the police. The lorry along with the contraband which consisted of 193 bags of rice were taken into custody and contemporaneous documents prepared. Accused no. 1 and 2 were arrested at the spot. The investigation allegedly led to 3rd accused. Apprehending arrest, the petitioner has sought for pre arrest bail.

3. Heard both sides and perused the records.

4. The learned counsel for the petitioner contended that the 3rd accused is neither a licensee nor dealing with rice, much less the ration rice. It appears that the material on record indirectly connects the 3rd accused which seems the basis for including him as an accused. It is for the Investigating Agency to proceed further and to establish the complicity, if any, of the 3rd accused. For what, I do not feel that a custodial interrogation of petitioner will be of any help to the Investigating Agency.

Considering these facts, I am inclined to grant bail to the petitioner, subject to the following conditions:

1. The Petitioner shall appear before the Investigating Officer on 23.07.2015 between 9 a.m and 10 a.m. and shall undergo interrogation. After interrogation, he shall be released on bail on he executing a bond for a sum of Rs. 25,000/- (Rupees Twenty Five

Thousand Only) with two sureties for the like sum each.

2.He shall not in any manner, threaten, coerce or intimidate of the witnesses and shall not interfere with investigation process.

Sd/-
SUNIL THOMAS
JUDGE

WW