

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 8TH DAY OF MAY 2015/18TH VAISAKHA, 1937

Bail Appl..No. 2379 of 2015

CRIME NO. 12/2005 OF KOLAZHY EXCISE RANGE OFFICE , THRISSUR

PETITIONER(S)/ACCUSED :

**SHANTHA, AGED 51 YEARS,
W/O.PUSHPAN, THAIVALAPPIL HOUSE, MATTAMPURAM DESOM,
KILLANNUR VILLAGE, THRISSUR TALUK.**

**BY ADVS.SMT.SIMLA PRABHAKARAN
SRI.MAHIN PRABHAKARAN**

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, COCHIN,PIN-682 031,
REPRESENTING EXCISE INSPECTOR, KOLAZHY RANGE, THRISSUR.**

BY PUBLIC PROSECUTOR SRI.ROY THOMAS

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

P. UBAID, J.

B.A.No.2379 of 2015

Dated this the 8th day of May, 2015

O R D E R

The petitioner herein is the accused in Crime No.12/2015 of the Kolazhy Excise Range Office, Thrissur District, registered under Section 58 of the Kerala Abkari Act. She seeks regular bail under Section 439 of the Code of Criminal Procedure. The application filed by her for regular bail was dismissed by the learned Judicial First Class Magistrate-I, Thrissur on 06.04.2015. The petitioner has been in judicial custody since 03.04.2015.

2. The prosecution case is that on 03.04.2015 the petitioner was found possessing 1.8 litres of illicit liquor.

3. This application for regular bail is opposed by the learned Public Prosecutor on the ground that investigation is still in progress, and that if the accused is now released, it will definitely obstruct the investigation.

4. On hearing both sides, and on a perusal of the materials including the case diary I find that investigation in this case is practically over, and that the petitioner can be now

released on appropriate conditions. On a perusal of the case diary, I find that the investigating officer has already questioned the material witnesses and has recovered the material properties. However, the petitioner will have to be directed report before the investigating officer till investigation is over, to ensure that the remaining part of investigation is not in any manner obstructed. I find that the police has already collected the necessary materials as part of investigation, and I do not find the necessity of continued detention of the petitioner in custody.

5. In the result, this application for bail is allowed. The petitioner will be released on bail on her executing bond with two solvent sureties for Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Magistrate concerned. Bail is granted on condition that,

a) The petitioner shall report before the investigating officer between 10 am. and 11 am. on all Wednesdays, for a period of two months.

b) The petitioner shall not leave the jurisdictional limits of the learned First Class Magistrate for two months.

c) The petitioner shall not in any manner

influence or intimidate the material witnesses, and he shall not have any contact with the material witnesses directly or over telephone or otherwise.

d) The petitioner will make a security deposit of Rs.5,000/- (Rupees Five Thousand only) in the court below as a further condition for bail. The amount of security deposit will be released on conclusion of trial. It will be subject to forfeiture in case of absence during trial without sufficient reason.

e) The petitioner shall not involve in any offence punishable under the Kerala Abkari Act, till the conclusion of trial.

Sd/-

P. UBAID, JUDGE

sd