

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

Bail Appl..No. 2401 of 2015 ()

CRIME NO. 12/2015 OF BANDADKA EXCISE RANGE, KASARAGOD

PETITIONER/ACCUSED:

NARAYANA C.H, AGED 49 YEARS,
S/O.LATE RAMAYYA NAIK, CHAPPAKKALLU DESOM,
ADOOR VILLAGE, KASARAGOD TALUK.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENT(S) /COMPLAINANT & STATE:

1. STATION HOUSE OFFICER,
BADIADKA EXCISE RANGE, KASARAGOD DISTRICT-671 320.

2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.

BY PUBLIC PROSECUTOR SMT. HYMA

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

K. RAMAKRISHNAN, J.

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B.ANo.2401 of 2015
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Dated this the 5th day of May, 2015.

O R D E R

This is an application for regular bail filed by the accused in Crime No.12/2015 of Bandadka excise range under section 439 of the Code of Criminal Procedure.

2. The case of the prosecution in nutshell was that on 11.4.2015 at about 2.30 p.m the accused was found to be in possession of 10 litres of arrack and found transiting the same and thereby he had committed the offences punishable under sections 8(1) and 8(2) of the Abkari Act.

3. Heard the counsel for the petitioner, Sri. Kunhikrishnan and the learned Public Prosecutor, Smt. Hyma. Perused the case diary file.

4. The counsel for the petitioner submitted that the petitioner has not committed any offence and he is innocent of the same and he is in jail from 11.4.2015 onwards and final report has been filed.

5. The application was opposed by the Public Prosecutor on the ground that final report has already been filed on 2.5.2015.

6. It is seen from the case diary file that the petitioner was arrested on 11.4.2015 at 2.30 p.m along with 10 litres of arrack and he is in jail from that day onwards. It is also seen that final report has been filed on 2.5.2015. It is not known as to whether it was taken on file. Further it appears that chemical analysis report has not been obtained and before getting the report, final report has been filed. So possibility of trial will be delayed cannot be ruled out. The Public Prosecutor had no case that the petitioner had involved in any case of similar nature earlier. Under the circumstances this Court feels that bail can be granted to the petitioner with some stringent conditions. So the application is allowed with the following conditions.

i. The petitioner shall be released on bail on 11.5.2015 on executing a bond for Rs.50,000/- with two solvent sureties each for the like sum to the satisfaction of the Judicial First Class Magistrate Court-I, Kasaragod.

ii. The petitioner shall not intimidate or influence the witnesses.

iii. The petitioner shall not involve in offence of similar nature during bail period.

iv. The petitioner shall surrender his passport, if any, before the Judicial First Magistrate Court-I, Kasaragod within one week from the date of release or if he is not having any passport, file an affidavit to that effect before that court within that time.

v. The petitioner shall not leave State of Kerala without getting prior permission either from the Judicial First Magistrate Court-I, Kasaragod or from the court to which the case is committed for trial till the disposal of the case.

With the above conditions, this application is allowed.

Sd/-

K. RAMAKRISHNAN, JUDGE.

/true copy/

P.S to Judge

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