

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 15TH DAY OF MAY 2015/25TH VAISAKHA, 1937

Bail Appl..No. 2613 of 2015

CRIME NO. 25/2015 OF KUMBALA EXCISE RANGE, KASARGOD DISTRICT.
.....

PETITIONER(S)/ACCUSED NO.1 AND 2:

- 1. SATHEESH POOJARI, AGED 38 YEARS,
S/O.KUNJAPOOJARI, DERAMPALLAM DESOM,
KULLOOR VILLAGE, MANJESWARAM TALUK,
KASARAGOD DISTRICT.**
- 2. KRISHNA U., AGED 45 YEARS,
S/O.SOMAYYA, NEAR GOVINDA PAI COLLEGE,
BADAJE DESOM, HOSABATTU VILLAGE,
MANJESWARAM TALUK.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.K.K.RAJEEV

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

B.A. No. 2613 of 2015

Dated this the 15th day of May, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioners are accused 1 and 2 in C.R. No. 25/2015 of Kumbla Excise Range registered for the offences under Sections 56(b) and 57(a) of the Kerala Abkari Act.

3. It is alleged that chemical examination of the sample of the toddy taken from the toddy shop revealed that it contained starch.

4. Heard.

5. As of now there is evidence to show that the sample of toddy contained starch only. But the second sample has already been produced before the learned Magistrate concerned for chemical analysis. But as the chemical analysis report now available does not show that it contained any noxious substance, I think anticipatory bail can be granted to the petitioners.

In the result, this application is allowed.

- 1) The petitioners shall be released on bail after interrogation on their executing a bond for Rs. 50,000/- (Rupees Fifty thousand only) each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.
- 2) They shall appear before the Investigating Officer for interrogation if they are so required by him in writing.
- 3) They shall not intimidate or attempt to influence the witnesses; nor shall they tamper with the evidence.
- 4) They shall not commit any offence while they are on bail.

If the chemical analysis of the second sample reveals any serious offence, the prosecution may take steps for cancellation of the bail.

**K. ABRAHAM MATHEW
JUDGE**

DMR/-