

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 19TH DAY OF MAY 2015/29TH VAISAKHA, 1937

Bail Appl..No. 2638 of 2015 ()

CRIME NO. 57/2015 OF SASTHAMCOTTA EXCISE RANGE, KOLLAM DISTRICT

PETITIONER/ACCUSED :

**AJAYAN @ SHAJI, AGED 44 YEARS,
S/O. PUSHPANGADAN, AJAYAMANDIRAM ,
EDAKKADU THENKUM MURI, PORUVAZHY VILLAGE,
KUNNATHUR TALUK, KOLLAM.**

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENT(S)/COMPLAINANT/STATE :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. THE EXCISE INSPECTOR,
EXCISE RANGE, KOLLAM DISTRICT-691 001.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

.....
B.A. No.2638 of 2015

.....
Dated this the 19th day of May, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.57/2015 of the Sasthamcotta Excise Range, Kollam registered for the offence punishable under Section 55(i) of the Abkari Act.

3. The allegation against the petitioner is that on 01.05.2015 at 7.30 a.m., he was found engaged in selling Indian Made Foreign Liquor, in contravention of the provisions of the Abkari Act, and a quantity of 3.700 litres of IMFL, along with one plastic kit, the sale proceeds of Rs.120/- and a plastic tumbler were seized from the possession of the petitioner. The petitioner was arrested on 01.05.2015 and thereafter he has been in custody.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor. Perused the CD.

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. No criminal antecedents have been reported against the petitioner. The investigation of this case is practically over. Continued detention of the petitioner in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the absence of any criminal antecedents on his part, this court is the view that the petitioner can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The petitioner shall report before the

Investigating Officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays commencing from 26.05.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

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

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge