

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. 2778 of 2015 ()

CRIME NO. 10/2015 OF HOSDURG EXCISE RANGE OFFICE, KASARGOD

PETITIONER/ACCUSED :

**SATHEESAN K.
S/O.LATE SUKUMARAN, KOTTAKUNNU HOUSE, CHERUMBATHATTU,
RAJAPPURAM P.O, KALLAR, KASARAGOD DISTRICT. 671 532.**

BY ADV. SRI.S.VISHNU (TRIPUNITHURA)

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY S.I OF POLICE, HOSDURG EXCISE RANGE,
(CRIME 10/15) THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

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:**

bp

B.KEMAL PASHA, J.

.....
B.A. No.2778 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. 10/2015 of the Hosdurg Excise Range, Kasaragod registered for the offences punishable under Sections 8(1) and 8(2) of Kerala Abkari Act.

3. The allegation against the petitioner is that on 29-1-2015 at about 12.30 p.m, he was found transporting 3 litres of arrack and on seeing the excise party, he ran away from the spot after leaving the contraband. The petitioner has surrendered before the investigating officer on 16.04.2015 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

ul/-

[True copy]

P.S. to Judge