

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

Bail Appl..No. 3407 of 2015

AGAINST THE ORDER IN CMP 1018/2015 of J.M.F.C.I,
KASARAGOD DATED 28/4/2015.

AGAINST THE ORDER IN Bail Appl. 3046/2015 of HIGH COURT
OF KERALA, DATED 04-06-2015.

CRIME NO. 26/2015 OF BADIADKA EXCISE RANGE OFFICE,
KASARGOD.

PETITIONER(S)/ACCUSED:

1. SUSEELA.K AGED 55 YEARS,
W/O.THYAMPANNA RAI, KUDUVA DESOM, ENMAKJE VILLAGE
MANJESHWAR TALUK, KASARAGOD.

2. KUSUMA.K., AGED 22 YEARS,
D/O.THYAMPANNA RAI, KUDUVA DESOM, ENMAKAJE VILLAGE
MANJESHWAR, KASARAGOD.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S)/COMPLAINANT/STATE:

1. STATION HOUSE OFFICER,
BADIADKA EXCISE RANGE.

2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.

BY PUBLIC PROSECUTOR SRI. REMA.R.

THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 18-06-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

K. HARILAL, J.

B.A. No.3407 of 2015

Dated this the 18th day of June, 2015

ORDER

This is an application filed under Sec.439 of the Code of Criminal Procedure. The petitioners herein are accused in Crime No.26 of 2015 of Badiadka Excise Range, registered for the alleged commission of the offence punishable under Sec.58 of the Abkari Act I of 1077.

2. The allegation is that on 23/4/2015 at 5.10 p.m. the accused persons were found transiting 142 bottles, each containing 180 ml. of Indian Made Foreign Liquor, at Kuduva in Enmakaje Village of Kasaragod Taluk. They have been arrested and produced before court on 24/4/2015 and since then

they have been in judicial custody.

3. The learned counsel for the petitioners submits that investigation is over and the continued detention is not necessary for further investigation. They are ready to abide by any conditions imposed by this Court.

4. The learned Public Prosecutor, on instructions, submits that the petitioners were arrested on 24/4/2015 and they have been in judicial custody.

5. In view of the above submissions made at the Bar, I find that continued detention is not necessary for further investigation and bail can be granted to the petitioners.

6. Consequently, this application is allowed on the following conditions:

(i) The petitioners shall be released on bail on their executing bonds for ₹1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum to the satisfaction to the learned Judicial First Class Magistrate-I, Kasaragod.

(ii) The petitioners shall not involve in similar offences during the course of trial.

(iii) The petitioners shall report before the Investigating Officer as and when required.

(iv) The petitioners shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses acquainted with the facts and circumstances of this case.

If any of the conditions is violated, the bail granted to the petitioners shall stand cancelled automatically and in that event, the learned Magistrate concerned, on being satisfied of the said fact, may take appropriate steps as are available to him in law.

Sd/-

(K. HARILAL, JUDGE)

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//true copy// P.S. to Judge