

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937

Bail Appl..No. 3454 of 2015

CRIME NO. 1147/2015 OF KAYAMKULAM POLICE STATION, ALAPPUZHA DISTRICT

PETITIONER(S)/ACCUSED NO.1 :

**ANEESH, AGED 27 YEARS
S/O.VASUDEVAN, NADUVATHERIL VEEDU,
KRISHNAPURAM MURI, KRISHNAPURAM VILLAGE.**

BY ADV. SMT.O.V.BINDU

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

K. HARILAL, J.

B.A. No. 3454 of 2015

Dated this the 19th day of June, 2015

ORDER

This is an application for regular bail filed under Sec.439 of the Code of Criminal Procedure. The petitioner is the accused in Crime No.1147 of 2015 of Kayamkulam Police Station, Alappuzha District. The above crime was registered for the offences punishable under Secs.8(1) & (2) and 55(a) & (g) of the Kerala Abkari Act on the allegation that accused Nos.1 to 5 were found in possession of 82 liters of illicit spirit in three cans at the family house of the wife of the 1st accused namely 'Divya Bhavanam' in Krishnapuram Muri. The other allegation is that the 2nd accused was found transporting 10 liters of spirit in a can in a motor

bike owned by the 1st accused bearing registration No.KL-29/D-5205 and accused Nos.3 to 5 were found keeping the chemicals used for manufacturing illicit liquor, in a Maruthi car bearing registration No.KEQ 255. The petitioner is the 1st accused in the crime and he was arrested on 18/4/2015 and remanded to judicial custody.

2. The learned counsel for the petitioner submits that the petitioner is innocent of the offences levelled against him and he is falsely implicated in the case. Now investigation is over and his continued detention is not necessary. It is also submitted that the petitioner is entitled to get statutory bail under Sec.167(2) of the Cr.P.C.

3. The learned Public Prosecutor, on instructions, submits that the petitioner was arrested on 18/4/2015 and the investigation is almost over.

4. Having regard to the fact that the petitioner was arrested on 18/4/2015 and now he is entitled to

get statutory bail under Sec.167(2) of the Cr.P.C., I am inclined to grant bail to the petitioners on stringent conditions.

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

(i) The petitioner shall be released on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Judicial First Class Magistrate, Kayamkulam.

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

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

(iv) The petitioner 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 petitioner 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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P.S. to Judge