

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. 3461 of 2015

CRIME NO. 5/2015 OF EXCISE RANGE OFFICE, PATHANAMTITTA
.....

PETITIONER(S)/ACCUSED NO.4:

**P.M.SANTHOSH, AGED 42 YEARS,
S/O.MADHAVAN, POOVAKKULAM HOUSE, KUNNAMKARI,
VELIYANAD VILLAGE, KUTTANAD TALUK, ALAPPUZHA DISTRICT,
PIN: 686 102.**

BY ADV. SRI.C.S.MANU

RESPONDENT(S)/COMPLAINANT & THE INVESTIGATING OFFICER:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. EXCISE INSPECTOR,
EXCISE RANGE OFFICE, PATHANAMTHITTA DISTRICT,
PIN: 689 101.
(NOTICE TO WHOM MAY BE SERVED ON
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM)**

BY PUBLIC PROSECUTOR SMT.REMA R.

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

msv/

K.HARILAL, J.

B.A. No.3461 of 2015

Dated this the 19th day of June, 2015.

O R D E R

This is an application filed under Section 439 of the Code of Criminal Procedure seeking regular bail.

2. Petitioner is the fourth accused in Crime No.5/2015 of Excise Range Office, Pathanamthitta, which was registered on 15/1/2015 alleging commission of offences punishable under Sections 55(a) and 67B of the Abkari Act 1 of 1077. Allegation against the petitioner is that on 15/1/2015 at about 9.45 A.M., the accused No.1 to 3 were found transporting 2 litres of spirit and 600 litres of spirit mixed with toddy in a goods carriage autorikshaw and a Mahindra Pickup Van bearing Regn.Nos.KL-26/D-3146 and KL-3/Y-1187 respectively. The further allegation against him is that the said contraband was transporting to the toddy shop licensed to the petitioner. He was

arrested on 21/4/2015 and remanded to judicial custody since then.

3. The learned counsel for the petitioner submits that the petitioner is innocent of the allegations levelled against him and he was falsely implicated in the offence. Now the investigation of the case is practically over and he is ready to abide by any conditions to be imposed by this Court.

4. The learned Public Prosecutor, on instruction, submits that the petitioner was arrested on 21/4/2015 on the allegation that the accused No.1 to 3 were found transporting the contraband to the toddy shop licensed to the petitioner. It is also submitted that if they are released on bail, the petitioner may repeat the same offence and tamper with the evidence.

5. Having regard to the submissions at the Bar and considering the allegations levelled against the petitioner, I find that this application can be allowed and the petitioner can be released on bail on stringent conditions. Accordingly, this bail application is allowed and the petitioner is granted bail subject to

the following conditions:

- i. The petitioner shall be released on bail on his executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the Chief Judicial Magistrate, Pathanamthitta.
- ii. The petitioner shall appear before the Investigating Officer on every Monday at 10 A.M. for a period of one month from today and thereafter he shall appear before the Investigating Officer as and when required.
- iii. The petitioner shall not tamper or attempt to tamper with the evidence and influence or try to influence the witnesses acquainted with the facts and circumstances of this case.
- iv. The petitioner shall not involve in similar offences during the pendency of the trial.
- v. If any of the conditions is violated, the bail granted shall stand cancelled and the learned Magistrate concerned, on being satisfied of the said fact, may take such proceedings as are available to him in law.

Sd/-
K. HARILAL, JUDGE

okb.