

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

Bail Appl..No. 3770 of 2015 ()

CRIME NO. 28/2015 OF KUMBLA EXCISE RANGE , KASARGOD DISTRICT

PETITIONER/ACCUSED:

**MANOHARAN R.,AGED 45 YEARS,
S/O.LATE RAMAN, IYLA, PARAKATTA DESOM,
MANGALPADI VILLAGE, MANJESHWAR TALUK.**

BY ADV. SRI.K.PRAVEEN KUMAR

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. THE STATION HOUSE OFFICER,
KUMBLA EXCISE RANGE, KASARAGOD-673 122.**
- 2. STATE OF KERALA,
REP BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

K.HARILAL, J.

B.A. No.3770 of 2015

Dated this the 2nd day of July, 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 herein is the accused in Crime No.28/2015 of Kumbala Excise Range registered for the alleged commission of offence punishable under Section 55(a) of the Abkari Act 1 of 1977. Allegation against the petitioner is that on 12.5.2015 at 8 p.m. the accused was found transiting 30 bottles, each containing 180 ml of Indian made foreign liquor at Iyala Beach road in Mangalpadi Village. He was arrested on 13.5.2015 and since then he has been in judicial custody.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. The learned counsel for the petitioner submits that the petitioner is innocent of the

allegations levelled against him and he has been falsely implicated in the offence. Now the investigation is almost over and continued detention of the petitioner is not necessary for further investigation.

5. The learned Public Prosecutor, on instruction, submits that the petitioner is the accused in the above crime registered for the commission of the aforesaid offence and he was arrested on 13.5.2015. The learned Public Prosecutor expressed his apprehension that if the petitioner is released on bail, he may repeat the same offence.

6. Having regard to the fact that the investigating agency has got sufficient time to proceed with the investigation and the duration of the period in which he had already undergone pre-trial incarceration, I find that the petitioner can be released on bail on stringent conditions. The application is accordingly allowed and the petitioner is granted bail as follows:

- 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 Judicial First Class Magistrate-I, Kasaragod.

- ii. The petitioner shall report before the investigating officer on every Monday and Thursday between 10 A.M. and 11 A.M. for a period of three months and thereafter as and when required by him.
- 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 course of 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.