

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. 3785 of 2015 ()

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CRIME NO. 315/2015 OF KUMBLA POLICE STATION, KASARAGOD DISTRICT.**

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PETITIONER/ACCUSED:

**PRAVEEN KUMAR N., S/O.NARAYANA,
AGED 45 YEARS, MUTTAM KUNNIL HOUSE,
SHIRIYA VILLAGE, KASARAGOD.**

BY ADV. SRI.K.PRAVEEN KUMAR.

RESPONDENTS/COMPLAINANT/STATE:

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

BY PUBLIC PROSECUTOR SMT.REMA. R.

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

rs.

K.HARILAL, J.

B.A. No.3785 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.315/2015 of Kumbala Police Station registered for the alleged commission of the offence punishable under Section 55(a) of the Abkari Act 1 of 1977. The allegation against the petitioner is that on 6.6.2015 at 20.10 hours the accused was found transiting 73 bottles of Indian made foreign liquor at Mallankai in Mangalpadi Village. He was arrested on 7.6.2015 and he is in judicial custody since then.

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 without proper investigation. Now the investigation is practically over and his continued detention is not necessary.

5. The learned Public Prosecutor, on instruction, submits that the allegation against the petitioner is that he was found in possession of Indian made foreign liquor as stated above and he was arrested on 7.6.2015. He apprehends that if the petitioner is released on bail, he may commit the same offence and tamper with the evidence and influence the witnesses.

6. Having regard to the nature and gravity of the offence and the duration of the period in which the petitioner has already undergone pre-trial incarceration, I find that bail can be granted to him. The application is accordingly allowed and the petitioner is granted bail on 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 Judicial First Class Magistrate-I, Kasaragod.

- ii. The petitioner shall appear before the investigating officer on every Wednesday at 10 A.M. for a period of two 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.