

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MRS. JUSTICE MARY JOSEPH

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

Bail Appl..No. 3804 of 2015

CRIME NO. 88/2014 OF NILESWAR EXCISE RANGE, KASARGOD DISTRICT.

PETITIONER/ACCUSED :

**M.A.KAIRALI, AGED 47 YEARS,
W/O. BHASKARAN, UMICHI DESOM,
KARINDALAM VILLAGE, VELLARIKKUNDU TALUK,
KASARAGOD DISTRICT.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT/STATE :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM-682 031. (CRIME NO.88/2014 OF
NILESWAR EXCISE RANGE, KASARAGOD DISTRICT).**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

MARY JOSEPH, J.

B.A. No.3804 of 2015

Dated this the 3rd day of July 2015

O R D E R

Application for bail filed under Sec.439 of the Code of Criminal Procedure.

2. Petitioner is the sole accused in Crime No.88 of 2014 of Excise Range office, Neeleswar registered for the offence punishable under Sec.55(g) of the Kerala Abkari Act. The prosecution allegation is that on 01.12.2014 at 5.00 p.m., the petitioner was found in possession of 20 liters of wash in front of House No.624/XIII belonging to one Bhaskaran and situated in Karimthalam village, meant for manufacturing arrack in violation of the Kerala Abkari Act. The contraband was seized and on its basis the crime in question was registered. On her voluntary surrender before the Judicial First Class Magistrate Court-II, Hosdurg, she was remanded to judicial custody. In the said circumstance, this application has come up before this court seeking regular bail.

3. Heard Sri. S. Rajeev, the learned counsel appearing for the petitioner and Sri. V.S.Sreejth, the learned Public Prosecutor appearing for the respondent. The case diary as well as the report furnished, have been perused.

4. It is submitted by the learned counsel for the petitioner that the petitioner has surrendered voluntarily before the Judicial First Class Magistrate Court-II, Hosdurg on 18.06.2015. The further argument advanced was that the petitioner lady is absolutely innocent and has been trapped by her husband. According to him, actually the petitioner's husband is the real culprit in this crime.

5. Learned Public Prosecutor advanced an argument that the detection of the crime was on 01.06.2015 and on account of the want of a lady police constable along with the detecting team that the arrest of the petitioner could not be materialised on the spot.

6. The offence involves gravity but criminal antecedents of any similar nature has not been reported

by the respondent against the petitioner. It appears from the case diary that the petitioner has surrendered before the investigating officer on her own volition on 18.06.2015 and has also co-operated with the investigation. In such circumstance, I find no reason for keeping her in custody further.

In the result, the bail application is allowed and the petitioner stands enlarged on bail on her executing a bond for Rs.40,000/- (Rupees Forty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Judicial First Class Magistrate Court, II, Hosdurg and subject to the conditions laid down herein below.

1. The petitioner shall report before the Investigating Officer in between 9.00 a.m. and 11.00 a.m. on all Mondays and Thursdays commencing from 13th July 2015 for a period of three months or till the filing of the final report in the case in question, whichever is earlier.

2. The petitioner shall not tamper with the

evidence or influence the witnesses.

3. The petitioner shall not involve in any offence while on bail.

4. The petitioner shall not enter the limits of Excise Range, Neeleswar except for compliance of condition no.1, for a period of three months from the date of this order.

5. The petitioner shall make a security deposit of Rs.5,000/- (Rupees five thousand only) before the judicial First Class Magistrate Court-II, Hosdurg for ensuring her presence during the trial proceedings.

In case of violation of any of the aforesaid conditions, the respondent is at liberty to move for cancellation of bail, in accordance with law.

Sd/-
MARY JOSEPH
JUDGE

/ True Copy /

P.A. To Judge

NS