

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

Bail Appl..No. 3985 of 2015 ()

**CRIME NO. 59/2015 OF NILESHWAR EXCISE RANGE OFFICE,
KASARGOD DISTRICT**

PETITIONER/1ST ACCUSED :

**BIJU VARGHESE, AGED 38 YEARS,
S/O.VARGHESE, RESIDING AT CHANAKAPARAKKAL HOUSE,
KUNNUMKAI DESOM, BEEMANADY VILLAGE, VELLARIKUNDU TALUK,
KASARAGOD DISTRICT.**

BY ADV. SRI.T.MADHU

RESPONDENT/STATE :

**THE STATE OF KERALA,
THROUGH THE EXCISE INSPECTOR,
NILESHWAR EXCISE RANGE, KASARAGOD DISTRICT
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

B.A. No.3985 of 2015

Dated this the 10th day of July 2015

ORDER

Petition filed under Sec.439 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.59 of 2015 of Nileshtar Excise Range registered for the offence under Sec.58 of the Kerala Abkari Act. The prosecution case is that he was found transporting 7 litres of Indian Made Foreign Liquor which was intended to be sold in Puduchery only.

3. Heard both sides.

4. The petitioner has been in custody since 21.06.2015. He is not involved in any other case. His further detention is not necessary for completion of the investigation. So I am inclined to grant the prayer of the petitioner.

In the result, the bail application is allowed.

1. The petitioner will be released on bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties

each for the like sum to the satisfaction of the learned Magistrate concerned.

2. He shall appear before the investigating officer between 10.30 a.m and 11.30 a.m. on every Friday for four months, or till the final report is filed, whichever is earlier.

3. The petitioner shall surrender his passport before the lower court concerned or if he does not have the same, file an affidavit to that effect.

4. The petitioner shall not leave India without the previous permission of the court of enquiry or the trial court concerned as the case may be.

5. The petitioner shall not destroy or tamper with evidence.

6. The petitioner shall not intimidate or attempt to influence the witnesses.

7. The petitioner shall not get himself involved in any other criminal case.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-
K. ABRAHAM MATHEW
JUDGE
/ True Copy/

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P.A. To Judge