

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

Bail Appl..No. 4401 of 2015

CRIME NO. 671/2015 OF KULATHUPUZHA POLICE STATION, KOLLAM DISTRICT.
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PETITIONER(S)/ACCUSED:

- 1. ANZAR, AGED 45 YEARS,
S/O.HAKKIM, KUNNUPURATH VEEDU,
KALLUVETTANKUZH, KULATHUPUZHA VILLAGE,
KOLLAM DISTRICT.**
- 2. MAJEED, AGED 54 YEARS,
S/O.MYTHEENKUNJU, BLOCK NO.143,
THOTTUMKARA PUTHEN VEEDU, MADATHARA MURI,
PERINGAMALA VILLAGE.**

**BY ADVS.SRI.K.SIJU
SMT.S.SEETHA**

RESPONDENT/STATE:

**STATE OF KERALA,
THROUGH THE SUB INSPECTOR,
KULATHUPUZHA POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.REMA.R

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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K. HARILAL, J.

B.A.No.4401 of 2015

Dated this the 27th day of July, 2015

ORDER

This is an application for regular bail filed under Sec.439 of the Cr.P.C.

2. The petitioners are the accused in Crime No.671 of 2015 of Kulathupuzha Police Station registered alleging the offences punishable under Secs.8(1) and (2) of the Kerala Abkari Act.

3. The prosecution case is that on 17/6/2015 at about 5.20 p.m., near forest check post at Chozhiyakode Muri, Kulathupuzha Village, the accused were found selling arrack. The 1st petitioner was found in possession of 3 litres of arrack in a 10 litre can and the 2nd petitioner was found in possession of 600 ml. of

arrack. Both the petitioners were arrayed as accused in the crime for the above said offences.

4. The learned counsel for the petitioners submits that now the investigation is practically over and the continued detention is not necessary. The petitioners are willing to co-operate with the investigation and also to abide by any condition to be imposed by this Court.

5. The learned Public Prosecutor submits that the petitioners were arrested on 17/6/2015 and if they are released on bail, they may repeat the same offence.

6. Having regard to the duration of the period in which the petitioners had already undergone the pre-trial incarceration, the petitioners can be released on bail on stringent conditions. Hence this application is allowed and the petitioners shall be released on bail on the following conditions:

(i) The petitioners shall be released on bail on their executing bonds for ₹1,00,000/- (Rupees One lakh only) each with two solvent sureties each for the like sum to the

satisfaction of the learned Judicial Magistrate of the First Class-I, Punalur.

(ii) The petitioners shall report before the Investigating Officer as and when required by the Investigating Officer.

(iii) The petitioners shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses.

(iv) The petitioners shall not involve in similar offences till the disposal of this case.

(v) If any of the conditions is violated, the bail granted to the petitioners shall stand cancelled and the learned Magistrate concerned on being satisfied of the said fact, may take steps as are available to him in law.

Sd/-

(K. HARILAL, JUDGE)

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P.S. to Judge