

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 31ST DAY OF AUGUST 2015/9TH BHADRA, 1937

Bail Appl..No. 5095 of 2015

CRIME NO. 152/2015 OF ADOOR EXCISE RANGE, PATHANAMTHITTA DISTRICT.
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PETITIONER(S)/ACCUSED 1 AND 2:

- 1. AKHIL, AGED 24 YEARS,
S/O. SIDHARTHAN, SIDHARTHA BHAVANAM,
EDAKKADU MURI & VILLAGE,
KUNNATHOOR TALUK, KOLLAM DISTRICT.**
- 2. NITHIN, AGED 23 YEARS, S/O. SOLOMON,
KOCHUPARAMBIL HOUSE, 7TH MILE,
KUNNATHOOR TALUK, KOLLAM DISTRICT.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A No.5095 of 2015

Dated this the 31st day of August, 2015.

ORDER

Application for bail under Section 439 Cr.P.C.

2. Petitioners are accused 1 and 2 in crime No.152/2015 of Adoor Excise Range registered for offences punishable under Sections 55(a), (i) and 55(D) r/w Section 67B of the Abkari Act.

3. Prosecution case, in short, is that on 29-06-2015 at about 10.00 p.m, the accused were found in possession of 50 litres of Indian Made Foreign Liquor by the side of a liquor shop run by Kerala State Beverages Corporation at Adoor. The petitioners were apprehended. It is submitted that the first petitioner is an Engineering student and the second petitioner was falsely implicated in the crime. The petitioners were arrested on 29-06-2015.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

5. Learned Public Prosecutor submitted that she could not get any instruction as to whether the final report has been filed or not. However, considering the fact that more than 60 days have been

elapsed since the arrest of the petitioners, bail is granted to them on following conditions :

1. The petitioners shall be released on bail on 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 Judicial First Class Magistrate Court, Adoor.
2. The sureties shall produce documents to establish their identity and solvency. The learned trial Judge need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. The petitioners shall appear before the Investigating Officer on all Sundays between 10.00 and 11.00 a.m until final report is filed.
4. The petitioner shall not indulge in any offence while on bail.
5. The petitioners shall not influence or intimidate the witnesses or meddle with the investigation in any manner.
6. If any of the above conditions is breached by the petitioners, the learned Magistrate is free to cancel bail without referring the matter to this Court.

**A.HARIPRASAD,
JUDGE.**