

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. 5118 of 2015

CRIME NO. 54/2015 OF THIRUVALLA EXCISE RANGE, PATHANAMTHITTA DISTRICT.

PETITIONER/ACCUSED:

**RADHAMONY, AGED 55 YEARS,
W/O.SIVAN, KOZHIMALA HOUSE,
KOZHIMALA MURI, VALLAMKULAM VILLAGE,
THIRUVALLA TALUK, PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.AJITH MURALI

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM -682 031.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**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.5118 of 2015

Dated this the 31st day of August, 2015.

ORDER

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

2. Petitioner is the accused in crime No.54/2015 of Thiruvalla Excise Range registered for offences punishable under Sections 55 (i) and 58 of the Abkari Act.

3. Prosecution case, in short, is that on 01-08-2015 at about 5.00 p.m, the petitioner was found in possession of 400 ml of coloured arrack. The petitioner was apprehended on 07-08-2015.

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

5. There is no case for the prosecution that the petitioner was involved in any offence earlier of the same kind. Considering the stage of investigation and quantity of the contraband involved, I find that bail can be granted to the

petitioner with following conditions :

1. The petitioner shall be released on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the Judicial First Class Magistrate Court, Thiruvalla.
2. The sureties shall produce documents to establish their identity and solvency. The learned trial Judge need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. The petitioner 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 petitioner shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioner, the learned Magistrate is free to cancel bail without referring the matter to this Court.

**A.HARIPRASAD,
JUDGE.**