

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

Bail Appl..No. 5230 of 2015 ()

**CRIME NO. 58/2000 OF THALAPUZHA POLICE STATION,
WAYANAD DISTRICT**

PETITIONER/ACCUSED :

**THOMAS, AGED 41 YEARS,
S/O. LATE ISSAC, PANDIYATH HOUSE, VELIYAMBALAM P.O.
NADAVAYAL, MANANTHAVADY, WAYANAD.**

BY ADV. SRI.LALJI P.THOMAS

RESPONDENTS/COMPLAINANTS :

- 1. SUB INSPECTOR OF POLICE,
THALAPUZHA, MANANTHAVADY, WAYANAD - 675110**
- 2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

R1 & R2 BY PUBLIC PROSECUTOR MR. RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A. HARIPRASAD, J.

Bail Appl. No.5230 of 2015

Dated this the 3rd day of September 2015

O R D E R

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

2. Petitioner is the accused in Crime No.58 of 2000 of Thalapuzha Police station registered for the offence under Sec.55(a) of the Kerala Abkari Act. He is the 2nd accused in S.C. No.392 of 2003 pending before the Assistant Sessions Court, Sulthan Bathery. The prosecution case is that the petitioner was found in possession of 1.875 litres of Indian Made Foreign Liquor.

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

4. Learned Public Prosecutor opposing the bail application contended that the accused abstained from Court without any lawful justification and delayed the trial.

5. Learned counsel for the petitioner submitted that the petitioner did not get any summons and that is why he could not appear before the court.

Considering the fact that the petitioner is in custody for 57 days, I am inclined to grant bail to the petitioner with the following conditions.

i. The petitioner shall 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 Assistant Sessions Judge, Sulthan Bathery.

ii. The sureties shall produce documents to establish their identity and solvency.

iii. The learned trial judge need not insist on solvency certificate but there must be sufficient documents to reveal the identity and solvency of the sureties.

iv. The petitioner shall appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. every Monday for a period of three months.

v. The petitioner shall not intimidate or

attempt to influence the witnesses, nor shall he tamper with the evidence.

vi. The petitioner shall not involve in any other offence during the period of bail.

In case of violation of any of the above conditions, the Assistant Sessions Judge, Sulthan Bathery is empowered to cancel the bail in accordance with law without referring the matter to this Court. The court below shall make all endeavour to complete the trial within a period of six months.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

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P.A. To Judge