

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. 5239 of 2015

CRIME NO. 79/2015 OF KOTTARAKKARA EXCISE RANGE, KOLLAM DISTRICT.
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PETITIONER/ACCUSED NO.2:

**BABU, S/O.LAKSHMANAN,
ASWATHY BHAVAN, VETTIKAVALA MURI,
VETTIKAVALA VILLAGE, KOTTARAKKARA TALUK,
KOLLAM DISTRICT.**

BY ADV. SRI.K.T.THOMAS

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682018.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

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

mbr/

A.HARIPRASAD, J.

B.A No.5239 of 2015

Dated this the 3rd day of September, 2015.

ORDER

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

2. Petitioner is the second accused in Crime No.79/2015 of Kottarakkara Excise Range registered for offences punishable under Sections 55(i) and 67B of Abkari Act.

3. Prosecution case, in short, is that on 21-07-2015 at about 11.15 p.m, the accused were found in possession of 3.50 litres of Indian Made Foreign Liquor. The petitioner was arrested on 29-07-2015 and he is in judicial custody.

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

5. Learned Public Prosecutor opposed the bail application contending that the petitioner is involved in three other cases of similar nature. Considering the antecedents of the petitioner, I am of the view that bail can be granted to the

petitioner with following strict conditions :

1. The petitioner 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 learned Magistrate having jurisdiction.
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 petitioner shall appear before the Investigating Officer on all Mondays and Thursdays 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.

Sd/-
A.HARIPRASAD,
JUDGE.