

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

Bail Appl..No. 5341 of 2015 ()

CRIME NO. 346/2015 OF RAJAPURAM POLICE STATION, KASARAGOD DISTRICT

PETITIONER/ACCUSED :

**MUHAMMED KUNHI A.
AGED 36 YEARS, S/O.UMMER, RAMLA HOUSE
KOLICHAL, KALLAR VILLAGE, VELLARIKKUNDU TALUK
KASARAGOD DISTRICT.**

BY ADV. SRI.K.P.HARISH

RESPONDENTS/COMPLAINANT & STATE :

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. THE STATION HOUSE OFFICER
(CRIME NO.346/2015 OF RAJAPURAM POLICE STATION)
KASARAGOD DISTRICT - 671 121.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A No.5341 of 2015

Dated this the 8th day of September, 2015.

ORDER

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

2. Petitioner is the accused in crime No.346/2015 of Rajapuram Police Station registered for offence punishable under Section 55 (a) of the Abkari Act.

3. Prosecution case, in short, is that on 09-08-2015 at about 18.35 hours, the accused was found transporting 10 packets (1.800 ml) (each packet having a capacity of 180 ml) of Karnataka Made Foreign Liquor not intended to be sold in the State of Kerala. He was arrested on 09-08-2015 and he is in judicial custody since then.

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

5. Learned counsel for the petitioner contended that he is innocent of all accusations. There is no previous crime in which the petitioner is involved. Considering the stage of investigation and

the duration of custody, I find 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.