

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

Bail Appl..No. 5374 of 2015

CRIME NO. 62/2015 OF THIRUVALLA EXCISE RANGE, PATHANAMTHITTA DISTRICT.

PETITIONER(S)/ACCUSED 1 & 2:

- 1. THAMBY, S/O.KUTTAN, AGED 62 YEARS,
ATTUCHIRA HOUSE, PUNNAKUNNAM MURI,
KUTTAPUZHA VILLAGE, THIRUVALLA.**
- 2. SARATH, S/O.SASI, AGED 29 YEARS,
POOMANGALAM HOUSE,
THUKALASSERY DESOM, THIRUVALLA.**

BY ADV. SRI.R.SANTHOSH BABU

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A No.5374 of 2015

Dated this the 23rd day of September, 2015.

ORDER

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

2. Petitioners are accused Nos.1 and 2 in Crime No.62/2015 of Thiruvalla Excise Range registered for offences punishable under Sections 55(i), 55(D) and 58 of the Abkari Act.

3. Prosecution case, in short, is that on 22-08-2015 at about 8.40 p.m., the accused were found indulging in sale of 500 ml of Indian made foreign liquor without any authority and thereby committed the aforementioned offences.

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

5. Learned Public Prosecutor opposed the bail application contending that they are involved in various other crimes. Considering the stage of investigation and the fact that they were arrested on 22-08-2015, I find that bail can be granted

to the petitioners with following strict conditions :

1. The petitioners shall be released on bail on executing a bond for Rs.50,000/- each (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 Magistrate 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 petitioners 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 petitioners 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.

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.

Sd/-
A.HARIPRASAD,
JUDGE.
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