

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

Bail Appl..No. 5384 of 2015 ()

CRIME NO. 85/2015 OF NILESHWAR EXCISE RANGE, KASARAGOD DISTRICT.

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PETITIONER/ACCUSED:

**N. KUNHIKANNAN, AGED 50 YEARS,
S/O.KORAN, NAMBIARTHADAM VEEDU,
KODUVAKKUNNU DESOM, MADIKAI VILLAGE,
KASARAGOD DISTRICT.**

BY ADV. SRI.K.P.HARISH.

RESPONDENTS/COMPLAINANT & STATE:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. THE EXCISE RANGE OFFICER,
(CRIME NO.85/2015 OF NILESHWAR EXCISE RANGE),
KASARAGOD DISTRICT -671 315.**

BY PUBLIC PROSECUTOR SMT.R. REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 22-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD,J.

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B.A.No.5384 of 2015

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Dated this the 22nd day of September, 2015

O R D E R

Application for bail under Section 439 of Cr.p.C.

2. The petitioner is the accused in Crime No.85/2015 of Nileshtar Excise Range, Kasaragod District, registered for offences punishable under Sections 8(1) & (2) and 55(g) of the Abkari Act.

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

4. Prosecution case is that, on 18-08-2015 the petitioner was found in possession of four liters of arrack and 40 liters of wash intended for manufacturing arrack.

5. The learned counsel for the petitioner submitted that the petitioner is innocent. Learned Public Prosecutor opposed the bail application . The petitioner was arrested on 18-08-2015.

6. Having regard to the stage of investigation, bail is granted to the petitioner with the following conditions:

i. 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 Judicial First Class Magistrate Court-II, Hosdurg.

ii. 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.

iii. 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.

iv. The petitioner shall not indulge in any offence while on bail.

v. 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

AVS