

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. 5385 of 2015 ()

CRIME NO. 74/2015 OF BALUSSERY EXCISE RANGE, KOZHIKODE

PETITIONER/ACCUSED NO.1 :

MOHANAN
AGED 46 YEARS, S/O.GANGADHARAN,
15, THOTTATHIL HOUSE, KEDAVOOR VILLAGE,
PUNOOR DESOM, THAMARASSERY TALUK.

BY ADVS.SRI.I.DINESH MENON
SRI.L.RAJESH NARAYAN

RESPONDENT/COMPLAINANT :

STATE OF KERALA
REPRESENTED BY EXCISE INSPECTOR, EXCISE RANGE OFFICE
BALUSSERY, THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI-682 031.

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

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

Mn

A.HARIPRASAD,J.

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B.A.No.5385 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. First accused in Balussery Excise Range, Kozhikode District in Crime No.74/2015, registered under Section 55(g) of the Abkari Act seeks bail. He was arrested on the allegation that he was possessed 75 liters of wash for the purpose of manufacturing the arrack and the offences was detected on 13-09-2015.

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

4. The learned counsel for the petitioner submitted that the petitioner has no nexus with the crime.

5. The learned Public Prosecutor opposed the bail application. The petitioner was arrested on 28-07-2015. He is not involved any other crime of a similar nature earlier.

6. Reckoning the stage of investigation and

duration of custody, 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 learned Magistrate having jurisdiction.
- 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