

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

Bail Appl..No. 5426 of 2015 ()

CRIME NO. 38/2015 OF KUMBLA EXCISE RANGE, KASARAGOD DISTRICT

PETITIONER/ACCUSED :

**SUJITH KUMAR C.,
AGED 31 YEARS, S/O.CHANDRASEKHARAN,
THELKKA NIVAS, KUMBLA DESOM
KOIPADI VILLAGE, MANJESHWAR TALUK,
KASARAGOD.**

**BY ADVS. SRI.P.V.KUNHIKRISHNAN
SRI. P.V. ANOOP**

RESPONDENTS/COMPLAINANT & STATE :

- 1. STATION HOUSE OFFICER
KUMBLA EXCISE RANGE, KASARGOD,
PIN-671 321.**
- 2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI-682 031.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A No.5426 of 2015

Dated this the 14th day of September, 2015.

ORDER

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

2. Petitioner is the accused in Crime No.38/2015 of Kumbala Excise Range registered for offence punishable under Section 55(a) of the Abkari Act.

3. Prosecution case, in short, is that on 28-07-2015 at 4.10 p.m., the accused was found in possession of 2.250 litres of Karnataka Made Foreign Liquor. As he imported unauthorised liquor to the State of Kerala, he was apprehended.

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

5. Learned counsel for the petitioner submitted that from the date of arrest onwards, the petitioner is languishing in jail. Learned Public Prosecutor opposed the bail application. Considering the stage of investigation and the quantity involved, 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 Magistrate 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.