

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

Bail Appl..No. 5477 of 2015 ()

**CRIME NO. 59/2015 OF CHADAYAMANGALAM EXCISE RANGE OFFICE,
KOLLAM DISTRICT**

PETITIONER/ACCUSED :

**DAMODARAN @ DANIEL, AGED 65 YEARS,
S/O. KUTTY, PALLITHAZHATHIL VEEDU, CHERUVALLUR MURI,
UMMANNOOR VILLAGE, KOTTARAKKARA TALUK.**

BY ADV. SRI.ALEXANDER GEORGE

RESPONDENT/COMPLAINANT AND STATE :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE EXCISE INSPECTOR EXCISE RANGE CHADAYAMANALAM
KOLLAM DISTRICT 691001.**

BY PUBLIC PROSECUTOR SMT.R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A.No.5477 of 2015

Dated this the 15th day of September, 2015

ORDER

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.59 of 2015 of Chadayamangalam Excise Range registered for the offence punishable under Section 55(i) of the Kerala Abkari Act.

3. Prosecution case is that on 21.08.2015 at about 05.00 p.m., the petitioner was found in possession of 3.700 liters of IMFL intended for sale.

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

5. Learned Public Prosecutor submitted that he is not involved in any other case.

6. Considering the quantity involved and the petitioner was arrested on 21.08.2015, I am inclined to grant bail to the petitioner with the following conditions:

(a) The petitioner shall be released on bail on

his executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the learned magistrate having jurisdiction.

- (b) 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.
- (c) The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 a.m and 11.00 a.m. until the final report is filed.
- (d) The petitioner shall not intimidate or attempt to influence the witnesses.
- (e) The petitioner shall not in any manner interfere or meddle with the investigation.
- (f) Petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge