

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

Bail Appl..No. 5545 of 2015

CRIME NO. 113/2015 OF SULTHANBATHERY EXCISE RANGE OFFICE, WAYANAD

PETITIONER(S)/ACCUSED:

**SUMESH K.M,
S/O.MATHEW, KALARICKAL HOUSE, KIDANGANADU VILLAGE,
SULTHAN BATHERY, WAYANAD DISTRICT.**

BY ADV. SRI.JOHN VARGHESE

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682031.**
- 2. THE EXCISE INSPECTOR,
SULTHAN BATHERY EXCISE RANGE,
WAYANAD DISTRICT-670721.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A.No.5545 of 2015

Dated this the 17th day of September, 2015

O R D E R

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

2. Petitioner is the accused in Crime No.113 of 2015 of Sulthan Bathery Excise Range registered for the offences punishable under Sections 55(g) and 8 (1) & (2) of the Kerala Abkari Act.

3. Prosecution case is that on 16.08.2015 at 01.45 p.m., the petitioner was found possessing and selling 15 litres of illicit arrack and 200 litres of wash.

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

5. Learned counsel for the petitioner submitted that the petitioner was arrested on 16.08.2015. It is also submitted that the petitioner was not involved in other crime.

6. Learned Public Prosecutor opposed the bail

application.

7. Considering the nature of allegations and the fact that he is not involved in any other crime earlier, 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