

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. 5559 of 2015

CRIME NO. 109/2014 OF NOORANAD EXCISE RANGE, ALAPPUZHA DISTRICT.
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PETITIONERS/ACCUSED 1 & 2:

- 1. ANANDAN, AGED 55 YEARS,
S/O.NANU, THATTARU VADAKKATHIL,
PATHIYOOR KIZHAKKU MURI,
PATHIYOOR VILLAGE, KARTHIKAPPALLY TALUK.**
- 2. RAJESH, AGED 36 YEARS, S/O.RAJENDRAN,
MANGALATHUTHARAYIL VEEDU,
MANJADITHARA MURI, BAHRANIKAVU VILLAGE,
MAVELIKKARA TALUK.**

BY ADV. SRI.V.S.SHIRAZ BAVA

RESPONDENT/STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

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

mbr/

A.HARIPRASAD, J.

B.A No.5559 of 2015

Dated this the 22nd day of September, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 and 2 in Crime No.109 of 2014 of Nooranad Excise Range registered for an offence punishable under Section 57(a) of the Abkari Act.

3. Prosecution case, in short, is that on 07-06-2014 at about 11.30 a.m., mobile liquor testing laboratory conducted an inspection in the toddy shop run by the second petitioner. When sample was taken, it was found that the toddy in the shop was adulterated. Petitioner apprehends arrest in the above case.

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

5. Learned Public Prosecutor submits that the second sample produced proved to be not adulterated. Annexure 1 is the document produced. Considering the nature of allegations and the

subsequent developments, following directions are made :

1. Petitioners shall surrender before the investigating officer within a period of two weeks from today and submit themselves for interrogation. In that event, the petitioners shall be released on bail on executing a bond for Rs.25,000/- each (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
2. The sureties shall produce documents to establish their identity and solvency.
3. Petitioners shall appear before the Investigating Officer as and when directed.
4. Petitioners shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioners, the learned Magistrate having jurisdiction is free to cancel the bail.

**A.HARIPRASAD,
JUDGE.**

amk