

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

Bail Appl..No. 5753 of 2015

CRIME NO. 84/2015 OF KOYILANDY EXCISE RANGE OFFICE, KOZHIKODE
.....

PETITIONER(S)/ACCUSED:

**BABU, AGED 35 YEARS,
S/O. ARIPPAN, PULUVANKKANDI, MOODADI AMSOM,
MUCHKUNNU DESOM, KOYILANDY TALUK, KOZHIKODE (DIST).**

BY ADV. SMT.K.DEEPA (PAYYANUR)

RESPONDENT(S):

- 1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM-31.**
- 2. THE EXCISE INSPECTOR,
EXCISE RANGE, KOYILANDY, KOZHIKODE (DIST),
PIN-673 101.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
14-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A. HARIPRASAD, J.

Bail Appl. No.5753 of 2015

Dated this the 14th day of October 2015

O R D E R

Bail application filed under Sec.439 Cr.P.C.

2. Petitioner is the accused in Crime No.84 of 2015 of Koyilandy Excise Range registered for the offences punishable under Secs.55(a) and 58 of the Kerala Abkari Act. Prosecution case is that on 14.08.2015 the Excise party, while vehicle checking, found the petitioner carrying 13 litres of various brands of Indian Made Foreign Liquor on his scooter. On seeing the Excise party, he ran away. The investigation conducted later revealed the identity of the petitioner. The petitioner surrendered before the Court on 09.09.2015.

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

4. Learned counsel for the petitioner submitted that the petitioner is implicated in this case without any legal or factual reasons.

5. Learned Public Prosecutor opposed the bail

application contending that the petitioner is involved in two other cases.

Considering the nature of allegation and the fact that investigation has advanced to a considerable extent, bail is granted to the petitioner with the following conditions.

i. The petitioner shall be released on bail on his executing a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.

ii. The sureties shall be the persons permanently residing in the State of Kerala and shall produce documents to establish their identity and solvency.

iii. The petitioner shall appear before the Investigating Officer for interrogation on every Monday and Thursday between 10.00 a.m. and 11.00 a.m. till the final

report is filed.

iv. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

v. The petitioner shall not involve in any other offence during the period of bail.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/14/10/2015

P.A. To Judge