

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

Bail Appl..No. 6014 of 2015 ()

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CR. NO. 122/2015 OF EXCISE RANGE, KAYAMKULAM.**

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PETITIONERS/ACCUSED NOS. 1 & 2:

- 1. AMAL, AGED 20 YEARS, S/O. KUNJUMON,
KODAMBALLIL VEEDU, KEERIKADU SOUTH MURI,
KEERIKADU VILLAGE, KARTHIKAPPALLY TALUK.**
- 2. SANOJ, AGED 34 YEARS,
S/O. PEETHAMBARAN, CHERUVALLY PADEETTATHIL,
KEERIKADU SOUTH MURI, KEERIKADU VILLAGE,
KARTHIKAPPALLY TALUK.**

BY ADV. SRI.NIREESH MATHEW.

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.R. REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A. HARIPRASAD, J.

Bail Appl. No.6014 of 2015

Dated this the 9th day of October 2015

O R D E R

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

2. Petitioners are accused nos.1 and 2 in C.R. No.122 of 2015 of Kayamkulam Excise Range registered for the offences punishable under Secs.55(a), 57(a) and 67(B) of the Kerala Abkari Act. The prosecution case is that on 10.09.2015 at about 1.50 p.m., the accused persons were found in possession of 10 litres of spirit in a plastic can in a toddy shop. Both of them were taken into custody and the case has been registered.

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

4. Learned counsel for the petitioner submitted that the 1st accused is a patient undergoing treatment for cancer at the Regional Cancer Centre, Thiruvananthapuram. Annexure-B is the certificate produced to establish that contention.

5. Learned Public Prosecutor opposed the bail

application in respect of the 2nd accused. The 1st accused is admittedly a patient.

Considering the facts and circumstances, I am inclined to grant bail to the 1st accused with the following conditions and the plea of the 2nd accused is hereby rejected.

i. The 1st accused shall be released on bail on his 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.

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 1st accused shall appear before the Investigating Officer for interrogation on every Sundays between 10.00 a.m. and 11.00 a.m. till the final report is filed.

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

v. He 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/09/10/2015

P.A. To Judge