

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

Bail Appl..No. 6018 of 2015

ORDER IN CRMP 2455/2015 of I ADDL.SESIONS COURT, KOLLAM DATED 17-09-2015
CRIME NO. 1178/2015 OF CHAVARA THEKKUMBHAGOM POLICE STATION , KOLLAM

PETITIONER(S)/PETITIONER/ACCUSED:

PRAVEEN, AGED 31 YEARS
S/O. VIJAYAN, EDAYILAVILAYAIL HOUSE, VIJAYA MANDIRAM
ARINALLOOR P.O., THEVALAKKARA, KOLLAM DIST.

BY ADVS.SRI.V.SETHUNATH
SRI.V.R.MANORANJAN (MUVATTUPUZHA)

RESPONDENT(S)/RESPONDENTS/COMPLAINANT/STATE:

1. THE SUB INSPECTOR OF POLICE
CHAVARA THEKKUMBHAGAM POLICE STATION, KOLLAM DIST
PIN-690123.

2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN-682031.

BY PUBLIC PROSECUTOR SMT. S. HYMA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

Bail Appl..No. 6018 of 2015

APPENDIX

ANNEXURE

A1- TRUE COPY OF THE ORDER OF THE HONOURABLE SESSIONS COURT, KOLLAM
IN CR.M.P2455 OF 2015

//True copy//

P.S. To Judge

RAJA VIJAYARAGHAVAN.V. J

B.A.6018 of 2015

Dated 19th October, 2015

ORDER

- 1.This is a petition filed u/s 438 of the Code of Criminal Procedure.
- 2.The petitioner is the accused in crime No.1178 of 2015 of Chavara Thekkumbhagam police station. In the said crime, the petitioner is alleged to have committed offence punishable u/s 55(a) and (i) of the Kerala Abkari Act.
- 3.The prosecution allegation is that on 1.9.2015 at 7.25 pm the petitioner was found in possession of six litres of Indian Made Foreign Liquor (IMFL) in 12 bottles kept in a bag and that he was found transiting the same in a motor cycle bearing registration No.KL-02-T-1954.

4. Heard the learned counsel appearing for the petitioner as well as the learned Public Prosecutor.

5. The learned counsel appearing for the petitioner has submitted that he has been falsely implicated. It is submitted that the bottles have been seized and there is no reason to interrogate the petitioner in custody as IMFL is not a banned substance.

6. The learned public prosecutor has submitted that the petitioner has no criminal antecedents. I am of the considered view that the relief of pre-arrest bail can be granted in favour of the petitioner subject to very stringent conditions.

- i. The petitioner shall, within a period of one week, surrender before the investigating officer and submit himself for interrogation. Thereafter, he shall execute 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 investigating officer. In that event, he shall be released on bail

ii. The petitioner shall appear before the investigating officer at 10.00 a.m. on the next two consecutive days and submit himself for interrogation.

iii. If the investigating officer requires the attendance of the accused on any further occasion than the days mentioned above, he can direct the accused in writing to appear and co-operate with the investigation.

iv. The petitioner shall surrender his passport before the Magistrate concerned in one week from the date of appearance before the investigating officer. If he does not have a passport, he shall swear to an affidavit showing that fact and submit it before the learned Magistrate having jurisdiction.

v. The petitioner shall not influence or intimidate the witnesses. He shall not meddle in any manner with the investigation.

vi. The petitioner shall not leave the limits of State of Kerala without the permission of the Magistrate concerned.

vii. If any of the conditions above is violated, the Magistrate having jurisdiction is empowered to cancel the bail in accordance with law without referring the matter to this Court.

The Bail application is allowed as above.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True copy//

P.S. To Judge