

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

Bail Appl..No. 6209 of 2015 ()

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CR. NO. 05/2015 OF PATHANAMTHITTA EXCISE RANGE.**

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PETITIONER/ACCUSED NO.5:

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SAJI, S/O.PAVITRAN,
IDAYILAPARAMBIL VEEDU, PARIYAROM,
ELANTHOOR, KOZHENCHERRY TALUK,
PATHANAMTHITTA.**

BY ADV. SRI.M.T.SURESHKUMAR.

RESPONDENT/COMPLAINANT:

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STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM -682 031.**

BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-10-2015, ALONG WITH BA NO.6211 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

rs.

A. HARIPRASAD, J.

Bail Appl. Nos.6209 & 6211 of 2015

Dated this the 8th day of October 2015

O R D E R

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

2. Petitioner is accused in two crimes namely O.R. No.5 of 2015 and O.R. No.8 of 2015 respectively of the Pathanamthitta Excise Range registered for the offences punishable under Secs.55(a), 57(a) and 67 B of the Kerala Abkari Act. The prosecution allegation in O.R. No.8 of 2015 is that the first accused was found in possession of 510 litres of spirit and this accused is also said to be involved in the crime. The allegation in O.R. No.5 of 2015 is that 600 litres of adulterated toddy mixed with spirit and two litres of spirit were recovered from a toddy shop and the complicity of the petitioner was revealed.

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

4. Learned counsel for the petitioner submitted

that the petitioner is in custody in both the cases for more than 60 days.

Considering the nature of allegation and the fact that investigation has advanced to a considerable extent, I am inclined to grant bail 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 on lakh only) each in each case 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.

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

vi. 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/08/10/2015

P.A. To Judge