

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

Bail Appl..No. 6238 of 2015 ()

CR. NO. 51/2015 OF KUMBLA EXCISE RANGE, KASARAGOD DISTRICT.

PETITIONERS/ACCUSED NOS.1 & 2:

- 1. SADASIVA BENGARA, AGED 44 YEARS,
S/O. LATE EASWARA VELICHAPPADU, BOLKUDAI HOUSE,
KUNCHATHOOR VILLAGE, MANJESWARAM VILLAGE,
KASARAGOD DISTRICT.**
- 2. SATHEESH POOJARI, AGED 38 YEARS,
S/O. KUNJAPOOJARI, DERAMPALLAM PADE DESOM,
KULLOOR VILLAGE, MANJESWARAM TALUK,
KASARAGOD DISTRICT.**

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 13-10-2015, ALONG WITH BA NO. 6240 OF 2015 AND
BA NO.6244 OF 2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A.No.6238, 6240 & 6244 of 2015

Dated this the 13th day of October, 2015

COMMON ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused in Crime Nos.51 of 2015 and 50 of 2015 of Kumbbla Excise Range and Crime No.65 of 2015 of Vaikom Excise Range registered for the offences punishable under Sections 57(a) and 56(b) of the Abkari Act.

3. Common allegation in this petitioners is that the petitioners are running licensed toddy shops and inspection therein revealed the presence of starch in the toddy stored in the shop for the purpose of sale.

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

5. Leaned counsel for the petitioners contended that no custodial interrogation is required in this case. In similar matters, this Court have granted anticipatory bail to the accused persons. Copy of the order in B.A.No.5884

of 2015 dated 01.10.2014 is produced to support of the contention of the petitioners.

6. Considering the nature of allegations, I am of the view that pre arrest bail can be granted to the petitioners with the following conditions.

- (a) The petitioners shall surrender before the investigating officer within a period of one week and submit themselves for interrogation.
- (b) In the event of arrest, each petitioner shall be released on bail on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) in each case with two solvent sureties for the like sum to the satisfaction of the investigating officer.
- (c) The petitioners shall appear before the Investigating Officer as and when directed for interrogation.
- (d) The petitioners shall not intimidate or attempt to influence the witnesses, nor shall

they tamper with the evidence.

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.

AS

/True Copy/

P.A. to Judge