

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Bail Appl..No. 6257 of 2015

CR. NO. 277/2015 OF NOORANAD EXCISE RANGE OFFICE, ALAPPUZHA
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PETITIONER(S)/ACCUSED NOS.1 & 2:

- 1. RAJAN, AGED 49 YEARS,
S/O.DAMODHARAN, KALATHEEYIL HOUSE,
KOTTAYIKKATTUSSERIL MURI, THAMARAKULAM VILLAGE,
MAVELIKKARA TALUK.**
- 2. DINESHKUMAR, AGED 40 YEARS,
S/O.SANKARA PILLAI, ACHUTHALAYAM HOUSE,
KATTACHIRA MURI, BHARANIKKAVU VILLAGE,
MAVELIKKARA TALUK.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
15-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A.No.6257 of 2015

Dated this the 15th day of October, 2015

O R D E R

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

2. Petitioners are accused Nos.1 and 2 in Crime No.277 of 2015 Nooranadu Excise Range registered for the offence punishable under Section 57(a) of the Abkari Act.

3. Allegation against the petitioners is that the petitioners are running licensed toddy shops and inspection therein revealed the presence of starch in 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