

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. 6369 of 2015 ()

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CRIME NO. 2367/2015 OF KALADY POLICE STATION, ERNAKULAM DISTRICT.**

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PETITIONER/ACCUSED NO 1:

**FRANCIS, AGED 38 YEARS,
S/O. VARGHESE, KALLIKKUDI HOUSE, SEBIYOOR,
MALAYATTOOR, ERNAKULAM DISTRICT.**

BY ADV. SRI.IEANS.C.CHAMAKKALA.

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED 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 15-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A. HARIPRASAD, J.

Bail Appl. No.6369 of 2015

Dated this the 15th day of October 2015

O R D E R

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

2. Petitioner is the 1st accused in Crime No.2367 of 2015 of Kalady Police station registered for the offences punishable under Secs.55(a), 8(1) and (2) and 12(1) of the Kerala Abkari Act. Prosecution case is that on 16.08.2015 at about 11.00 a.m., the petitioner along with other accused were found indulging in illicit distillation. 22 litres of arrack and 100 litres of wash were recovered from them. The petitioners were arrested from the place of detection itself.

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

4. Learned counsel for the petitioner submitted that the petitioner remains in custody from 16.08.2015 and today is the 60th day of his detention.

5. Learned Public Prosecutor opposed the bail application contending that the petitioner is involved in

five other cases. Admittedly, charge has not been filed.

Considering the nature of allegations and the period of detention of the petitioner, bail is granted to him with the following conditions.

i. The petitioner shall be released on bail on his executing 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 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 every Monday and Thursday between 10.00 a.m. and 11.00 a.m. till the final report is filed.

iv. The petitioner shall not intimidate

or attempt to influence the witnesses, nor shall he tamper with the evidence.

v. The petitioner 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/15/10/2015

P.A. To Judge