

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937**

**Bail Appl..No. 6431 of 2015 ()**

**-----  
CRIME NO. 730/2015 OF KANAKAKUNNU POLICE STATION,  
ALAPPUZHA DISTRICT  
-----**

**PETITIONER/ACCUSED :**

**-----**

**TONY, AGED 42 YEARS, S/O. DIVAKARAN,  
SHAJIPURAM VEETIL,  
MUTHUKULAM SOUTH MURI,  
MUTHUKULAM VILLAGE.**

**BY ADV. SRI.R.PADMAKUMAR**

**RESPONDENT :**

**-----**

**STATE OF KERALA  
REP. 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 04-11-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**bp**

**A. HARIPRASAD, J**

-----  
**B.A.No. 6431 of 2015**  
-----

**Dated this the 04<sup>th</sup> day of November, 2015**

**O R D E R**

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

2. Petitioner is an accused in Crime No.730 of 2015 of Kanakakunnu Police Station, Alappuzha District, registered for the offence punishable under Sec.55(a) of the Kerala Abkari Act. The prosecution allegation is that on 19.09.2015 at 8.20 p.m, the petitioner was found in possession and was transporting 70.5 litres of Indian made foreign liquor in a car.

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

4. The learned Public Prosecutor submitted that there is no allegation that he was involved in any similar offence earlier.

5. The petitioner is arrested on 19.09.2015 itself.

Considering the stage of investigation and the number of days in custody, the following conditions are issued :

*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 lower Court need not insist on solvency certificate. Other documents revealing the solvency of the sureties can also be relied on.*

*iv. The petitioner shall appear before the Investigating Officer for interrogation on all Mondays and Thursdays between 10.00*

*a.m. and 11.00 a.m. until final report is filed.*

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

*vi. 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**

bpr