

**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. 6662 of 2015**  
-----

**CRIME NO. 40/2015 OF KURAVILANGADU EXCISE RANGE OFFICE, KOTTAYAM**  
-----

**PETITIONER(S)/ACCUSED NO.2:**  
-----

**PRADEEP C.P., AGED 50 YEARS,  
S/O.PEETHAMBARAN, CHERUKKATTIL HOUSE, KADAPPOOR KARA,  
KANAKKARI VILLAGE, MEENACHIL TALUK,  
KOTTAYAMA DISTRICT.**

**BY ADV. SRI.NIREESH MATHEW**

**RESPONDENT(S)/COMPLAINANT:**  
-----

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

**BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04-11-2015,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**PJ**

**A.HARIPRASAD, J.**

-----  
**B.A. No.6662 of 2015**  
-----

**Dated this the 4<sup>th</sup> day of November, 2015**

**ORDER**

Application under Section 438 of the Code of Criminal Procedure.

2. Second accused in Kuravilangadu Excise Range Crime No.40 of 2015 registered for offences punishable under Sections 55(1) and 61 of the Abkari Act seeks pre-arrest bail.

3. Annexure-A in the bail application is the crime and occurrence report. It is evident that the first accused is implicated in an offence under Section 55(i) and the petitioner, who is the second accused, is implicated along with other accused persons in an offence under Section 61 of the Abkari Act. Prosecution case, in short, is that on 24.08.2015 at 7.30 p.m., the first accused was found engaged in selling Indian Made Foreign Liquor in contravention of the provisions of the Act and thereby the Excise Officers took him to custody after complying with the formalities. This petitioner along with other accused persons set the first accused free by using force against the Excise Officers and thereby he is implicated in an offence under Section 61 of the Abkari Act.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the incident occurred not as stated by the prosecution. According to the petitioner, the Excise Officers conducted search in the house of the first accused. It is to be noted that the first accused is the brother of the petitioner. It is further contended by the learned counsel that 2.5 litres of Indian Made Foreign Liquor purchased from the Beverages Corporation was taken away by the Excise Officers. When that was resisted, a false case is registered against the petitioner is the contention.

6. Learned Prosecutor opposed the bail application contending that the petitioner along with other accused assaulted the Excise Officers and tore the seizure mahazar and other documents.

Considering the nature of allegations, following directions are issued:

i. Petitioner shall surrender before the investigating officer within a period of two weeks and submit himself for interrogation. Thereafter he shall execute a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, he shall be released on bail in Crime No.40 of 2015 of Kuravilangadu Excise Range.

ii. The sureties shall produce documents to establish their identity and solvency. The investigating officer shall not insist on the

solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioner shall appear before the investigating officer as and when directed in writing and co-operate with the investigation in the matter.

iv. He shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioner as if no order is passed.

**A. HARIPRASAD, JUDGE.**

**cks**