

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. 6675 of 2015

CRIME NO. 827/2015 OF KURAVILANGADU POLICE STATION, KOTTAYAM
.....

PETITIONER(S)/ACCUSED NO.1:

**PRADEEP C.P., AGED 50 YEARS,
S/O. PEETHAMBARAN, CHERUKATTIL HOUSE, KIDAPPOOR KARA,
KANAKKARI VILLAGE, MEENACHIL TALUK, KOTTAYAM DISTRICT.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT(S)/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
04-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A. No.6675 of 2015

Dated this the 4th day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. First accused in Kuravilangadu Police Station Crime No.827 of 2015 registered for offences punishable under Sections 143, 147, 332 and 225 read with Section 149 of the Indian Penal Code seeks pre-arrest bail.

3. Prosecution case is that petitioner along with other accused identifiable by sight, formed into an unlawful assembly and rescued the first accused in Kuravilangadu Excise Range Crime No.40 of 2015 from a lawful custody and assaulted the Excise Officers.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the first accused in the Excise Crime is the brother of the petitioner. Excise Officers took away 2.5 litres of Indian Made Foreign Liquor kept in the house of the first accused in the Excise Crime is the contention of the petitioner. There was a scuffle between the Excise Officers and local people in connection with the incident. According to the petitioner, he is falsely implicated in the

case.

6. Learned Prosecutor opposed the bail application contending that the petitioner assaulted the Excise Officers while they were discharging their duty.

Considering the nature of allegations, I am inclined to grant pre-arrest bail to the petitioner with following conditions:

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.827 of 2015 of Kuravilangadu Police Station.

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.

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