

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

Bail Appl..No. 6634 of 2014 ()

CRIME NO. 1707/2014 OF CHENGANNUR POLICE STATION

PETITIONER(S)/ACCUSED :

SHABU AGED 37 YEARS
S/O. THANKACHAN, MURINGAYIL HOUSE, PERALASSERI P.O.
CHENGANNUR, ALAPPUZHA DISTRICT.

BY ADV. SRI.CIBI THOMAS

RESPONDENT(S):

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

BY PUBLIC PROSECUTOR SRI.C. RASHEED

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-
06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

RAJA VIJAYARAGHAVAN.V. J

B.A. 6634 of 2014

Dated 17th June, 2015

ORDER

1. The petitioner herein is the 2nd accused in Crime No.1707 of 2014 of the Chengannur police station. The case has been registered under Section 18C r/w 27(a)(ii) of the Drugs and Cosmetics Act, 1940 (Amended Act of 2005) and under Section 118(a) of the Kerala Police Act, 2011.

2. The gist of the allegation against the petitioner is that on 26.8.2014, the Health Supervisor of the Chengannur Municipality and his team while conducting raids in various private Medical Labs in the area, came across a Lab by name "High Tech Laboratory" which was functioning without any licence or authority. It is further alleged that four numbers of Reagent Kits were seized from the said Lab which are permitted to be used only in Government Hospitals.

3. I have heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

4. The learned counsel for the petitioner submitted that he has absolutely no connection whatsoever with “High Tech Laboratory” which belongs to his elder brother Shaji. According to the learned counsel, the petitioner is working in the Chengannur Taluk Hospital and he has nothing to do with the day-to-day business of the Laboratory. It is also pointed out that the brother of the petitioner had approached this Court by filing B.A.6716 of 2014 and as per order dated 18.09.2014 this Court had granted Anticipatory bail to his brother subject to conditions.

5. The learned Public Prosecutor has fairly submitted that the role of the petitioner in the case on hand is limited. In view of the above, I do not think that this is a case in which the petitioner need to be subjected to custodial interrogation. The application is allowed subject to following conditions:-

i) The petitioner shall be released on bail after interrogation on his executing a bond for 25,000/-(Twenty Five thousand) with two solvent sureties each for the like sum, if he is arrested by the Police in connection with this case.

ii) The petitioner shall cooperate with the investigation and shall appear for interrogation if he is so required by the Investigating Officer in writing.

iii) He shall in no event tamper or attempt to tamper with the evidence nor shall he hamper the investigation.

iv) In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

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P.S.To Judge