

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

Bail Appl..No. 7024 of 2015 ()

**AGAINST THE ORDER IN CRMP 2917/2015 of I ADDL.SESIONS COURT, KOLLAM
DATED 30-10-2015.**

**AGAINST THE ORDER IN CMP 439/2015 of J.M.F.C., SASTHAMCOTTA
DATED 17-10-2015.**

CRIME NO. 164/2015 OF KARUNAGAPPALLY EXCISE RANGE OFFICE , KOLLAM.

PETITIONER/ACCUSED:

- 1. PADMAKSHI AMMA, AGED 52 YEARS,
W/O.RADHAKRISHNAN NAIR, JAYAKRISHNA VILASAM,
NJAKKANAL DESAM, OCHIRA VILLAGE, KARUNAGAPPALLY TALUK,
KOLLAM DISTRICT.**
- 2. RADHAKRISHNAN NAIR, AGED 56 YEARS,
S/O.GOPALAKRISHNAN NAIR, JAYAKRISHNA VILASAM,
NJAKKANAL DESAM, OCHIRA VILLAGE, KARUNAGAPPALLY TALUK,
KOLLAM DISTRICT.**

**BY ADVS.SRI.BINU GEORGE.
SMT.HEMALATHA.**

RESPONDENT/STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SMT.R.REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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A.HARIPRASAD, J.

B.A No.7024 of 2015

Dated this the 12th day of November, 2015.

ORDER

Application for bail under Section 439 Cr.P.C.

2. Petitioners are the accused (husband and wife) in Crime No.164/2015 of Karunagappally Excise Range registered for an offence punishable under Section 8(1) and (2) of the Abkari Act.

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

4. Prosecution case, in short, is that on 14-10-2015 at about 5.30 p.m., the accused persons intentionally possessed 4.5 litres of illicit arrack in 4 bottles. They were arrested on the same day.

5. Learned counsel for the petitioners submitted that they are not involved in any offence earlier. Learned Public

Prosecutor submitted that the investigation has advanced to a considerable extent. Considering the facts and circumstances of the case, I find that bail can be granted to the petitioners with following strict conditions :

1. The petitioners shall be released on bail on executing a bond for Rs.50,000/- each (Rupees fifty thousand only) with two solvent sureties each for the like sum each to the satisfaction of the learned Magistrate having jurisdiction.
2. The sureties shall produce documents to establish their identity and solvency. The learned Magistrate need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. The petitioners shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m until final report is filed.
4. The petitioners shall not indulge in any offence while on bail.

5. The petitioners shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioners, the learned Magistrate is free to cancel bail without referring the matter to this Court.

Sd/-
A.HARIPRASAD,
JUDGE.

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P.A to Judge