

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

**PRESENT:**

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

**FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937**

**Bail Appl..No. 7026 of 2015 ()**  
-----

**CRIME NO. 52/2015 OF KALIKAVU EXCISE RANGE POLICE STATION, MALAPPURAM**  
-----

**PETITIONER/ACCUSED :**  
-----

**JAYARAJAN  
AGED 41 YEARS, S/O.VELAYUDHAN,  
OOTTUPURATH HOUSE, CHEMBRASSERY P.O.  
PANDIKKAD, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR  
SRI.R.RANJITH (K/489/2011)**

**RESPONDENTS/STATE & COMPLAINANT :**  
-----

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

**2. THE EXCISE INSPECTOR  
KALIKAVU EXCISE RANGE,  
MALAPPURAM DISTRICT  
PIN-676 525.**

**R1 & R2 BY PUBLIC PROSECUTOR SMT. R. REMA**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20-11-2015,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Mn**

**A.HARIPRASAD, J.**

-----  
**B.A.No.7026 of 2015**  
-----

Dated this the 20<sup>th</sup> day of November , 2015

**ORDER**

Application filed under Section 438 of the Code of Criminal Procedure.

2. The petitioner seeks pre-arrest bail in Kalikavu Excise Range in Crime No.52/2015 registered for offences under Sections 55(a), (h), (i), 58, 12C and 64 A of the Abkari Act. The prosecution case is that on 08-08-2015 at about 02.00 p.m, the Excise party found the accused Nos.1 to 3 carrying 20 liters of liquor in an autorikshaw. When they were questioned, they stated that the petitioner handed over the contraband to the accused persons .

3. Heard both sides.

4. Apart from the alleged confession there is no other material in the case diary to connect the petitioner in the crime. It is stated that the petitioner's house could not be searched on account of his absence. That is not an explanation for lack of collecting the materials against the petitioner.

5. Considering the nature of allegations, I am inclined to grant anticipatory bail to the petitioner with the following conditions:

- (a) Petitioner shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit themselves for interrogation. Thereafter, they shall be released on bail on their executing a bond for Rs.50,000/- (Rupees Fifty Thousand Only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
- (b) The petitioner shall appear before the Investigating Officer as and when required for the purpose of interrogation.
- (c) The petitioner shall co-operate with the investigation of the case.
- (d) The petitioner shall not intimidate or attempt to influence the witnesses.

- (e) The petitioners shall not in any manner interfere or meddle with the investigation.
- (f) Petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-  
**A.HARIPRASAD, JUDGE.**

AVS

// TRUE COPY//

PA. TO JUDGE

B.A.No.7026 of 2015

-:4:-