

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. 7028 of 2015

CRIME NO. 589/2015 OF RAMANKARY POLICE STATION , ALAPPUZHA

PETITIONER(S)/ACCUSED NO.1 :

**SUSEELAN, AGED 54 YEARS,
S/O.CHELLAPPAN, SARAWATHI VILASAM, THEKKEKARA MURI,
CHAMBAKULAM VILLAGE,
CHAMBAKULAM PANCHAYATH WARD NO.III,
FROM VATTURUMBakkal VEEDU,
RAMANKARI PANCHAYATH WARD-I, PALLIKUTTUMMA MURI,
RAMANKARI VILLAGE.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT(S)/COMPLAINANT :

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

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:**

Msd.

A.HARIPRASAD, J.

B.A.No.7028 of 2015

Dated this the 12th day of November, 2015

O R D E R

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the 1st accused in Crime No.589 of 2015 of Ramankary Police Station registered for the offences punishable under Sections 55(a) & (i) of the Abkari Act.

3. Prosecution case is that the petitioner along with other accused unauthorizedly possessed 65.5 litres of Indian Made Foreign Liquor against the provisions of the Abkari Act.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the contraband was seized from the house of one Radhamani Amma. The offence was detected on 18.10.2015, at about 12 noon. Learned counsel for the petitioner submitted that Radhamani Amma got the liquor from the Kerala State Beverages Corporation through the

petitioner is the allegation levelled by the prosecution. Petitioner pleaded innocence.

6. Learned Public Prosecutor opposed the bail application. She submitted that the accused is involved in another crime. Learned counsel for the petitioner produced F.I.R in Crime No.558 of 2015 of Pulinkunnu Police Station registered for the offence under Section 55 (a) of the Abkari Act. It is submitted that the accused is on bail in the other case.

7. Considering the nature of the allegations and the stage of investigation, I am inclined to grant bail to the petitioner with the following conditions:

- (a) The petitioner shall be released on bail on his executing a bond for ₹1,00,000/- (Rupees One Lakh Only) with two solvent sureties for the like sum to the satisfaction of the learned magistrate having jurisdiction.
- (b) The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on solvency certificate, but other documents can also be

perused to find out whether the sureties are solvent or not.

- (c) The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 a.m and 11.00 a.m. until the final report is filed.
- (d) The petitioner shall not intimidate or attempt to influence the witnesses.
- (e) The petitioner 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.

AS

/True Copy/

P.A. to Judge