

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

Bail Appl..No. 7096 of 2015 ()

CRIME NO. 105/2015 OF KASARAGOD EXCISE RANGE OFFICE, KASARAGOD

PETITIONER(S)/ACCUSED:

**REMA. P.K. @ REMA DEVI,
W/O.RAJAMANI, RESIDING AT SALATHADKA, NEKRAJE,
NAKRAJE VILLAGE AND POST,
KASARAGOD TALUK AND DISTRICT.**

BY ADV. SRI.T.B.SHAJIMON

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.R.GITHESH.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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RAJA VIJAYARAGHAVAN V, J.

B.A.No.7096 of 2015

Dated this the 21st day of December, 2015

O R D E R

This petition is filed under S.438 of the Code of Criminal Procedure seeking pre-arrest bail.

2. The petitioner is the sole accused in Crime No.105/2015 of Kasaragod Excise Range. The offence alleged against her is punishable under S.58 of the Abkari Act.

3. The prosecution allegation is that, 8 bottles containing 6 liters of Indian Made Foreign Liquor meant for sale in the state of Karnataka was found concealed in the premises belonging to her situated at a place called Salathadka, Nakraje Village.

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

5. The learned counsel appearing for the petitioner submitted that the petitioner is not having any criminal antecedents and that the contraband articles were not seized from her premises.

6. The learned Public Prosecutor vehemently opposed the grant of bail and submitted that the bill issued by the KSEB and other records revealed that the premises stands in the name of the petitioner.

7. I have considered the rival contentions and I take note of the fact that the petitioner is aged 58 years old and is having no criminal antecedents. The items seized is Indian Made Foreign Liquor. This court is of the view that the custodial interrogation of the petitioner in this crime is

not warranted in the facts and circumstances.

In the result, the application is allowed subject to the following conditions:

i). The petitioner shall surrender before the investigating officer within a period of 2 weeks from the date of this order and submit herself for interrogation. Thereafter, the petitioner shall be released on bail on her executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two solvent sureties for the like sum if she is arrested in connection with the instant case.

ii). The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the court or to any police officer.

iii). The petitioner shall make herself available for interrogation as and when required by the investigating officer.

iv). The petitioner shall not influence or intimidate the prosecution witnesses or attempt to tamper with the evidence for the prosecution.

v). The petitioner shall not commit any similar offence while on bail.

vii). In case of violation of any of the above conditions, the jurisdictional magistrate shall be empowered to cancel the bail in accordance with law.

This application is allowed as above.

Sd/-
**RAJA VIJAYARAGHAVAN V,
JUDGE.**

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[True copy]

P.A to Judge