

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

Bail Appl..No. 7170 of 2015 ()

CRIME NO. 183/2015 OF SULTHAN BATHERY EXCISE RANGE, WAYANAD DISTRICT

PETITIONER/ACCUSED NO.2:

**PRAVEEN KUMAR,
S/O.VELAYUDHAN, AGED 37 YEARS,
THAZHAMUNDA HOUSE, POST THAZHAMUNDA,
POOTHADI VILLAGE, WAYANAD DIST.**

**BY ADVS.SRI.M.PASHOK KUMAR
SRI.P.C.GOPINATH
SMT.BINDU SREEDHAR
SMT.R.S.MANJULA**

RESPONDENT/COMPLAINANT/ STATE:

**STATE OF KERALA,
REPRESENTED BY EXCISE INSPECTOR SULTHAN BATHERY RANGE,
WAYANAD DISTRICT, THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN -682 031**

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A. HARIPRASAD, J.

Bail Appl. No.7170 of 2015

Dated this the 19th day of November 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.183 of 2015 of Sulthan Bathery Excise Range registered for the offence punishable under Sec.55(g) of the Kerala Abkari Act. Prosecution case in short is that, the Excise officers found out 35 litres of wash inside the shed of the property belonging to the 1st accused and his mother. On questioning the 1st accused, it was revealed that the shed was let out to the petitioner for conducting a broiler chicken farm.

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

4. Learned counsel for the petitioner submitted that the 1st accused mentioned the name of the petitioner due to political enmity and he has no connection with the incident. There is no document to show that the petitioner had taken the shed on lease from the 1st accused.

5. Learned Public Prosecutor opposed the bail application contending that there is no material in the case diary to show that the shed was let out to the petitioner as stated by the 1st accused.

Considering the nature of allegations, pre arrest bail is granted to the petitioner with the following conditions.

1. The petitioner shall surrender before the investigating officer within a period of two weeks and submit himself for interrogation.

2. In the event of arrest, the petitioner shall be released on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

3. The petitioner shall appear before the Investigating Officer for interrogation as and when directed by him in writing.

4. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/19/11/2015

P.A. To Judge