

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

Bail Appl..No. 7357 of 2015

CRIME NO. 146/2015 OF KUTTANAD EXCISE RANGE OFFICE, ALAPPUZHA

PETITIONERS/ACCUSED NOS.1 & 2:

1. SURENDRAN, AGED 54 YEARS
S/O.MADHAVAN, KOCHUKULAM, CHATHURTHYAKARI MURI,
PULIMKUNNU VILLAGE, KUTTANADU, ALAPPUZHA DISTRICT.
2. VIJAYAKUMAR, AGED 57 YEARS,
S/O.PURUSHOTHAMAN NAIR, VECHOORTHARA HOUSE,
KANNADI KIZHAKKU, KUNNUMMA VILLAGE, KUTTANADU TALUK.
3. PURUSHOTHAMAN, AGED 57 YEARS,
S/O.MADHAVAN, KOCHUKULAM HOUSE, CHATHURTHYAKARI MURI,
KUTTANADU VILLAGE, KUTTANADU TALUK.

BY ADV. SRI.NIREESH MATHEW

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

RAJA VIJAYARAGHAVAN.V. J

B.A.7357 of 2015

Dated 27th November, 2015

ORDER

1. This application is filed u/s 438 of the Code of Criminal Procedure.

2. The petitioners are accused Nos.1 to 3 in C.R.No.146 of 2015 of Kuttanad Excise Range. They are alleged to have committed offence punishable u/s 57(a) and 56(b) of the Abkari Act.

3. The allegation is that on examination of the sample seized from the toddy stored in the toddy shop of which petitioners 2 and 3 are licensees, starch was detected .

3. I have heard the learned counsel appearing for the petitioners as well as the learned Public

Prosecutor.

4. The learned counsel appearing for the petitioners pointed out that this Court as per order dated 12.5.2015 in B.A.2489 of 2015 and also as per order dated 1.10.2015 in B.A.5884 of 2015 have granted reliefs in similar cases. It is submitted that the petitioners have no effective control over the toddy that is supplied to them by the tappers .

5. After having gone through the allegations, I do not think that custodial interrogation of the petitioners is warranted in the instant case. In view of the above, the application is allowed subject to the following conditions:-

- (i). The petitioners shall surrender before the investigating officer within a period of one week and submit themselves for

interrogation.

(ii). In the event of arrest, the petitioners shall be released on their executing a bond for Rs.25,000/- each with solvent sureties each for the like sum to the satisfaction of the investigating officer.

(iii). The petitioners shall appear before the Investigating Officer as and when directed for interrogation.

(iv). The petitioners shall not intimidate or attempt to influence the witnesses, nor shall they tamper with the evidence.

(v). 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/-
RAJA VIJAYARAGHAVAN.V.
Judge

Mrcs

/true copy/

P.S to Judge