

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

Bail Appl..No. 7418 of 2015 ()

**CRIME NO. 2737/2015 OF PATHANAMTHITTA POLICE STATION ,
PATHANAMTHITTA DISTRICT**

PETITIONER/ACCUSED NO.2:

**UDAYAN, AGED 50 YEARS,
S/O.BHASKARAN, LOTUS VILLA, PATTOOR P.O,
NOORANADU, ALAPPUZHA DISTRICT.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031**

BY SR PUBLIC PROSECUTOR SRI.SHIBU JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A.HARIPRASAD, J.

B.A. No. 7418 of 2015

Dated this the 23rd day of December, 2015

ORDER

Petition under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the second accused in Crime No.2737 of 2015 of Pathanamthitta Police Station registered for an offence punishable under Section 55(a) of the Abkari Act.

3. It is alleged that on 30-09-2015 at about 1.15 p.m, the police party arrested the first accused for possessing 35 litres of spirit in a can. On interrogation, the complicity of the petitioner is also revealed. Total quantity of spirit recovered is 525 litres.

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

5. Learned Public Prosecutor strongly opposed the bail application. Learned counsel for the petitioner submitted that the petitioner is in custody from 01-11-2015 onwards. The investigation is already progressing. Two more accused have to be apprehended. Considering the fact that the petitioner will be completing 60th day on 28-12-2015, bail is granted to the petitioner with following

strict conditions :

1. The petitioner shall be released on bail on executing a bond for Rs.3,00,000/- (Rupees Three Lakhs only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.
2. The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 09.00 and 10.00 a.m until final report is filed.
4. The petitioner shall surrender his passport forthwith. If he does not have a passport, he shall swear to an affidavit to that effect and submit before the learned Magistrate having jurisdiction.
5. The petitioner shall not indulge in any offence while on bail.
6. The petitioner shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioner and if he is involved in any offence during trial of this case, the learned Magistrate is free to cancel bail without referring the matter to this Court.

**Sd/-
A. HARIPRASAD
JUDGE**

//True copy//

P.A to Judge

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