

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

Bail Appl..No. 7434 of 2015 ()

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CR. NO. 111/2015 OF NILESHWAR EXCISE RANGE.**

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PETITIONER (ACCUSED):

**BABU M., AGED 40 YEARS,
S/O. DAMODARAN, ARAKKAL THARAVADU VEETIL,
NARKILAL, CHEEMENI VILLAGE, HOSDURG TALUK.**

**BY SRI.T.SETHUMADHAVAN, SENIOR ADVOCATE.
ADVS. SRI.PUSHPARAJAN KODOTH,
SRI.K.JAYESH MOHANKUMAR.**

RESPONDENT (STATE):

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
(CR. NO. 111/2015 OF NILESHWAR EXCISE RANGE,
KASARAGOD DISTRICT).**

BY PUBLIC PROSECUTOR SMT.R. REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A. No.7434 of 2015

Dated this the 7th day of December, 2015

ORDER

Application for bail under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.111 of 2015 of Nileshtar Excise Range registered for an offence punishable under Section 55(g) of the Abkari Act. He seeks bail.

3. Prosecution case is that on 06.11.2015, the petitioner was found in possession of 130 litres of wash adjacent to his house.

4. Heard both sides.

5. Learned Prosecutor opposed the bail application.

6. Learned counsel for the petitioner submitted that the petitioner is not involved in any other crimes and he is in custody for more than a month.

Considering all these factors, bail is granted to the petitioner with following conditions:

i. Petitioner shall be released on bail on executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties each for

the like sum to the satisfaction of the learned Magistrate having jurisdiction.

ii. 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.

iii. Petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m until final report is filed.

iv. Petitioner shall not indulge in any offence while on bail.

v. He 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, the lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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