

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937**

**Bail Appl..No. 7446 of 2015**  
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**CRIME NO. 77/2015 OF VAIKOM EXCISE RANGE OFFICE, KOTTAYAM**  
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**PETITIONER(S)/ACCUSED NOS.1 AND 2:**  
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1. P.D.BABU, AGED 42 YEARS,  
S/O.DIVAKARAN, POOTHURUTHIL HOUSE, KUDAVECHOR P.O.,  
VECHOR VILLAGE, VAIKOM TALUK.
2. JOSTIN JOSEPH, AGED 39 YEARS,  
S/O.JOSE JOSEPH, ROSE GARDEN HOUSE, PUTHIYAKAVU KARA,  
THEKKUMBHAGOM VILLAGE, KANAYANNUR TALUK,  
ERNAKULAM DISTRICT.

**BY ADV. SRI.NIREESH MATHEW**

**RESPONDENT(S)/COMPLAINANT:**  
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**STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SMT.R.REMA**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
01-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**msv/**

**A. HARIPRASAD, J.**

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**Bail Appl. No.7446 of 2015**  
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**Dated this the 1<sup>st</sup> day of December 2015**

**ORDER**

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

2. Petitioners are accused nos.1 and 2 in Crime No.77 of 2015 of Vaikom Excise Range registered for an offence punishable under Section 57(a) of the Kerala Abkari Act. The prosecution allegation is that on an examination it was found that the sample of toddy stored in the shop run by the 2<sup>nd</sup> petitioner was adulterated with starch.

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

4. Considering the nature of allegations, I am of the view that pre arrest bail can be granted to the petitioners with the following conditions.

*1. The petitioners shall surrender before the investigating officer within a period of one week and submit themselves for interrogation.*

*2. In the event of arrest, the petitioners shall be*

*released on their executing a bond for Rs.25,000/-  
(Rupees twenty five thousand only) each with two  
solvent sureties each for the like sum to the satisfaction  
of the investigating officer.*

*3. The petitioners shall appear before the  
Investigating Officer as and when directed for  
interrogation.*

*4. The petitioners shall not intimidate or attempt  
to influence the witnesses, nor shall they 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//  
P.A to Judge