

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. 7649 of 2015

CRIME NO. 1591/2015 OF VIZHINJAM POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S)/ACCUSED :

**THRESIA, AGED 52 YEARS,
D/O.MARIA ROSE, ANCY HOUSE, AMBALATHUM MOOLA,
ADIMALATHURA, KOTTUKKAL DESAM, KOTTUKAL,
THIRUVANANTHAPURAM.**

BY ADV. SRI.SYAM J SAM

RESPONDENT(S)/COMPLAINANT :

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

BY SR.PUBLIC PROSECUTOR SRI.V.S.SREEJITH

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

Msd.

A.HARIPRASAD, J.

B.A. No.7649 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 third accused in Crime No.1591 of 2015 of Vizhinjam Police Station registered for offences punishable under Sections 55(a) and (i) of the Abkari Act. She seeks bail.

3. Prosecution case is that on 15.10.2015 at about 10.30 hours in a search conducted in the house of the petitioner, 210 litres of spirit contained in six cans each having a volume of 35 litres was recovered. Second accused is her husband and the first accused is her husband's brother.

4. Heard both sides.

5. Learned Prosecutor opposed the bail application.

6. Learned counsel for the petitioner submitted that she is in custody from 15.10.2015 onwards. It is also submitted on the basis of Annexure-2 certificate from the Regional Cancer Centre, Thiruvananthapuram that she suffers from malignancy.

Considering her health condition and number of days in custody, 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 Saturdays 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. She 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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