

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

Bail Appl..No. 7813 of 2015

C.R.NO. 62/2015 OF CHERPPU EXCISE RANGE, THRISSUR DISTRICT

PETITIONER(S)/ACCUSED NOS.1 & 2 :

- 1. SHIJU, AGED 36 YEARS,
S/O.GOVINDANKUTTY, MUNDANATTU HOUSE,
VENGINISSERI DESOM, VENGINISSERI VILLAGE,
THRISSUR TALUK.**
- 2. MANOJ, AGED 37 YEARS,
S/O.SIVARAMAN, IYYANI HOUSE, CHEMMAPPILLI DESOM,
VADAKKUMURI VILLAGE.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT(S)/RESPONDENT :

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

BY PUBLIC PROSECUTOR SMT.TY.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A. HARIPRASAD, J.

Bail Appl. No.7813 of 2015

Dated this the 16th day of December 2015

O R D E R

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

2. Petitioners are accused nos.1 and 2 in C.R. No.62 of 2015 of Cherpu Excise Range registered for the offences punishable under Secs.57(a) and 56(b) of the Kerala Abkari Act. Second petitioner is the licensee of a toddy shop and first petitioner is the employee under the second petitioner. It is alleged that the excise officers took sample of toddy from the shop and on analysis, it was found that it contained excess quantity of ethyl alcohol than prescribed.

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

Considering the nature of allegations, I am of the view that custodial interrogation of the petitioners are not necessary. Moreover, this Court had earlier considered the matter like this in B.A. No.7122 of 2015 and an order is passed in favour of the accused. Same

principle can be applied in this case also. Hence, following directions are issued.

1. The petitioners shall surrender before the investigating officer within a period of two weeks and submit themselves for interrogation. Thereafter, each one of them shall execute 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. In that event, they shall be released on bail in C.R. No.62 of 2015 of Cherpu Excise Range.

2. The sureties shall produce documents to establish their identity and solvency. The investigating officer shall 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 as and when directed in

writing and co-operate with the investigation of
in the matter.

4. They shall not intimidate or influence
the witnesses.

In case of violation of any of the above
conditions, the officer concerned is free to arrest the
petitioners as if no order is passed.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/16/12/2015

P.A. To Judge