

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. 7819 of 2015 ()

CR. NO. 85/2015 OF VAIKOM EXCISE RANGE, KOTTAYAM DISTRICT

PETITIONERS/ACCUSED NOS. 1 & 2 :

- 1. E.N. SIVAN, AGED 42 YEARS
S/O.NARAYANAN, PINCHAZHATHIL HOUSE, THURUTHU KARA
CHEMBU 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/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

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

Mn

A. HARIPRASAD, J.

Bail Appl. No.7819 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.85 of 2015 of Vaikom Excise Range registered for the offence punishable under Sec.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 2nd 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 /

NS/16/12/2015

P.A. To Judge