

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

**PRESENT:**

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

**MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937**

**Bail Appl..No. 7963 of 2015 ()**  
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**CRIME NO. 89/2015 OF EXCISE RANGE OFFICE, THIRUVALLA, PATHANAMTHITTA**  
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**PETITIONER/1ST ACCUSED :**  
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**ANIYAN, AGED 56,  
S/O.KUNJU, MADAMPISERRIL HOUSE, CHATHENKERRY MURI  
PERINGARA VILLAGE, THIRUVALLA TALUK.**

**BY ADVS.SRI. N.P. PRAJEESH  
SRI.BIJO THOMAS GEORGE**

**RESPONDENT/COMPLAINANT :**  
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**STATE,  
REPRESENTED BY THE EXCISE INSPECTOR  
EXCISE RANGE OFFICE, THIRUVALLA BY PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21-12-2015,  
ALONG WITH BA NO. 7968/2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**Mn**

**A.HARIPRASAD, J.**

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**B.A. Nos.7963 & 7968 of 2015**  
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**Dated this the 21<sup>st</sup> day of December, 2015**

**COMMON ORDER**

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

2. Petitioner is involved in two crimes, viz., Crime No.89 of 2015 of Excise Range Office, Thiruvalla and Crime No.1508 of 2015 of Pulikeezhu Police Station. Crime No.89 of 2015 is registered for offences punishable under Sections 55(i) and 58 of the Abkari Act with the allegation that on 18.11.2015 at about 7.30 p.m., petitioner was found in possession of 800 ml. of Indian made Foreign Liquor which was intended for sale. Allegation in Crime No.1508 of 2015 registered for offences punishable under Sections 324, 308 and 332 read with Section 34 of the Indian Penal Code is that when the above offence was detected the accused persons, three in number, attacked the Excise Officers with a torch light and caused serious injury to an Excise Inspector.

4. Heard both sides.

5. Learned Prosecutor opposed the bail application. It is submitted that two more accused are yet to be apprehended. Weapon of oppression is not recovered.

6. Learned counsel for the petitioner submitted that the petitioner is in custody from 19.11.2015 onwards.

Considering the stage of the matter and number of days in custody, bail is granted to the petitioner with following conditions:

i. In each case 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 in Crime No.1508 of 2015 of Pulikeezhu Police Station on all Saturdays between 09.00 and 10.00 a.m and in Crime No.89 of 2015 of Excise Range Office, Thiruvalla on all Saturdays between 11.00 a.m. And 12.00 noon, 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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