

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. 8097 of 2015

CRIME NO. 2065/2015 OF HARIPPAD POLICE STATION, ALAPPUZHA

PETITIONER(S)/ACCUSED:

**DEVADAS, AGED 76 YEARS,
S/O.SUDHAKARAN, RESIDING AT DEVIKA BHAVANAM,
KARUVATTA NORTH, KARUVATTA VILLAGE,
ALAPPUZHA DISTRICT.**

BY ADV. SRI.T.MADHU

RESPONDENT(S)/STATE:

**THE STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER,
HARIPAD POLICE STATION, ALAPPUZHA DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SRI.TOM JOSE PARINJAREKARA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A. No.8097 of 2015

Dated this the 21st day of December, 2015

ORDER

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

2. Petitioner is the accused in Crime No.2065 of 2015 of Haripad Police Station registered for offences punishable under Section 8(1) and (2) of the Abkari Act.

3. Allegation is that on 07.12.2015 at 10.20 a.m. , police party got reliable information that the petitioner possessed illicit liquor and the consequent search revealed that he was possessing a total quantity of three litres of illicit arrack.

4. Heard both sides.

5. Learned Prosecutor opposed the bail application. It is submitted that the petitioner is involved in another offence for possessing an illegal tobacco product.

Considering the fact that the petitioner is aged 76 years and he is in custody from 07.12.2015 onwards, I am of the view that bail can be granted to the petitioner with following conditions:

- i. Petitioner shall be released on bail on executing a bond

for ₹50,000/- (Rupees fifty thousand 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 Mondays and Thursdays 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. 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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