

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

Bail Appl..No. 8137 of 2015 ()

AGAINST THE ORDER IN Bail Appl.5884/2015
of HIGH COURT OF KERALA, DATED 1.10.2015 IN
CRIME NO.80/2015 OF KADUTHURUTHY EXCISE RANGE OFFICE, KOTTAYAM

PETITIONER(S)/ACCUSED NOS 1 & 2:

1. SUDHEESH, AGED 32 YEARS,
S/O.REGHUVARAN, VAMPATH HOUSE, AKKARAPADAM KARA,
VADAKKEMURI VILLAGE, VAIKOM TALUK.

2. SIVAKUMAR, AGED 46 YEARS,
S/O.SUKUMARAN, MUTTEZHATH HOUSE,
PADINJATTIN CHERI PADINJARE MURI, NADUVILE VILLAGE,
VAIKOM TALUK.

BY ADV. SRI.NIREESH MATHEW

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR MS.R.REMA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SS

K. RAMAKRISHNAN, J.

Bail Application No.8137 of 2015

Dated this the 22nd day of December, 2015

O R D E R

This is an application for anticipatory bail filed by accused Nos. 1 and 2 in Crime No.80/2015 of Kaduthuruthy Excise Range, under Section 438 of the Code of Criminal Procedure.

2. The case was registered alleging commission of offence under Section 57(A) and 56(b) of Kerala Abkari Act. The allegation was that, on examination it was found that the sample of toddy stored in the shop run by the 2nd accused as licensee and first accused as salesman, contained starch.

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

4. In similar matters, this court has granted

anticipatory bail to similarly placed persons. So considering the circumstances, this court also feels that, pre-arrest bail can be granted to the petitioners with the following conditions:

i. The petitioners shall surrender before the investigating officer within a period of one week and submit themselves for interrogation.

ii. In the event of arrest, the petitioner shall be released on bail, on executing a bond for ₹25,000/- each with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

iii. The petitioner shall appear before the investigating officer as and when required for the purpose of interrogation.

iv. The petitioner shall not intimidate or influence the witnesses.

v. In case of violation of the above conditions, the learned magistrate is empowered to cancel the bail application in accordance with law without referring the matter to this court.

With the above directions and conditions, the bail application is disposed of.

Sd/-
K. Ramakrishnan, Judge

//True Copy//

P.A. to Judge

SS