

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

Bail Appl..No. 8973 of 2014

CRIME NO. 135/2014 OF KASARAGOD EXCISE RANGE OFFICE.
.....

PETITIONER/ACCUSED:

**ASHOKAN.N, S/O. LATE KRISHNA,
AGED 41 YEARS, PUTHUR VILLAGE,
ARANAGUDDE DESOM, KASARAGOD TALUK.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. STATION HOUSE OFFICER,
KASARAGOD EXCISE RANGE - 671 121.**
- 2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B. KEMAL PASHA, J.

.....
B.A. No.8973 of 2014
.....

Dated this the 5th day of January, 2015

O R D E R

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.135/2014 of Kasaragod Excise Range registered for the offence punishable under Section 58 of the Abkari Act.

3. The allegation against the petitioner is that on 18.11.2014 at 5.30 p.m., he was found in possession of 4.500 litres of IMFL meant for sales in Goa only and 3.600 litres of IMFL meant for sales in the State of Karnataka only, in contravention of the provisions of the Abkari Act. The petitioner has been in custody for the period from 18.11.2014 onwards.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor.

5. No criminal antecedents have been reported against the petitioner. It seems that the investigation of this case is practically over. The continued detention of the petitioner in custody is not required for the continued investigation of this case. Considering the facts and circumstances of this case and having regard to the period undergone by the petitioner in custody and the present stage of investigation, I am satisfied that the petitioner can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays, commencing from 08.01.2015 for a period of three months or till the

filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/05/01

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PA to Judge