

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. 9089 of 2014

CRIME NO. 132/2014 OF KASARAGOD EXCISE RANGE, KASARAGOD DISTRICT.

PETITIONER/ACCUSED:

**K.BALAKRISHNAN,
S/O. SOMAPPA, AGED 41 YEARS,
ADUKKATHBAYAL THOTTATHADI DESOM,
KASARAGOD VILLAGE AND TALUK,
KASARAGOD DISTRICT.**

**BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR**

RESPONDENT(S)/COMPLAINANT AND STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO. 132 OF 2014 OF
KASARAGOD EXCISE RANGE)
KASARAGOD DISTRICT - 671 121.**

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.9089 of 2014

.....
Dated this the 5th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.132/2014 of the Kasaragod Excise Range registered for the offence punishable under Section 55(i) of the Abkari Act.

3. The allegation against the petitioner is that on 01.11.2014 at 10.30 a.m., he was found engaged in selling Indian Made Foreign Liquor, in contravention of the provisions of the Abkari Act, and a quantity of 19 litres of IMFL was seized from his possession. The petitioner has been in custody from 01.11.2014 onwards.

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

has opposed the petition. Perused the CD.

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. The investigation of this case is practically over. Continued detention of the petitioner in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioner in custody and the present stage of investigation, this court is of the view 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 ₹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 six

months.

(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

ul/-

[True copy]

P.S. to Judge