

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.K.MOHANAN

MONDAY, THE 31ST AUGUST 2009 / 9TH BHADRA 1931

Bail Appl.No. 4858 of 2009()

CMP.2374/2009 of J.M.F.C.-I,THAMARASSERY
CR NO.22/2009 OF THAMARASSERY EXCISE RANGE, KOZHIKODE
.....

PETITIONER/ACCUSED:

GIREESH, AGED 34 YEARS, S/O.THANKAPPAN,
KALLALIKUNNEL, ALANALLOOR P.O., UNNIAL VILLAGE.

BY ADV. SRI.SUNNY MATHEW

RESPONDENT/ COMPLAINANT:

STATE OF KERALA, THROUGH THE
EXCISE INSPECTOR, THAMARASSERY EXCISE RANGE,
KOZHIKODE DISTRICT, REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

SRI. GIKKU JACOB, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD
ON 31/08/2009, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. K.MOHANAN, J.

Bail Application No. 4858 of 2009

Dated this the 31st day of August, 2009

ORDER

In this Petition filed under Sec. 439 Cr.P.C., the petitioner who is the accused in C.R. No. 22 of 2009 of Thamarassery Excise Range for offences punishable under Secs. 8(1) and 8(2) of the Abkari Act for having been found in possession of 5 litres of illicit arrack, seeks his enlargement on bail. Petitioner was arrested on 02.08.2009.

2. I have heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. Having regard to the nature of the offences, the duration of judicial custody of the petitioner and the other circumstances of the case etc., I am inclined to grant bail to the petitioner. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.15,000/- (Rupees Fifteen Thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-I, Thamarassery, and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.
2. The petitioner shall make himself available for interrogation as and when required by the Police till the filing of the final report.

3. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.
4. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

**V.K.MOHANAN,
JUDGE**

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