

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 31ST MARCH 2010 / 10TH CHAITHRA 1932

Bail Appl.No. 1745 of 2010()

CRIME NO.532/2009 OF ARYANAD POLICE STATION, THIRUVANANTHAPURAM
.....

PETITIONER/IST ACCUSED

SHYAM @ RIJU, AGED 30 YEARS,
S/O.SREEDHARAN @ KUTTAPPAN, KIZHAKKUMKARA
PUTHEN VEEDU, KARATHALA, PARAKUZHY WARD,
BALARAMAPURAM, ATHIYANOOR VILLAGE,
FROM:REEJA BHAVAN, KANYARUNRA PUTHUKULANGARA
MURI, VELLANAD VILLAGE.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENT(S): COMPLAINANT

STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

PUBLIC PROSECUTOR SRI.C.M.KAMAPPU

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD
ON 31/03/2010, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.T.SANKARAN, J.

B.A.No.1745 of 2010

Dated this the 31st day of March, 2010

O R D E R

This is an application for bail under Section 439 of the Code of Criminal Procedure. The petitioner is accused No.1 in Crime No.532 of 2009 of Aryana Police Station.

2. The offence alleged against the petitioner is under Section 8(1) & (2) of the Abkari Act.

3. The prosecution case is that on 13.8.2009, the accused persons were found transporting 5320 litres of spirit in a lorry. The petitioner was arrested in connection with Crime No.305 of 2008 of Nedumangad Police Station and his formal arrest was recorded in the present case on 10.2.2010. The petitioner is in judicial custody since then.

4. Taking into account the facts and circumstances of the case, the duration of the judicial custody undergone by the petitioner, the nature of the offence and the present stage of investigation, I am of the view that bail can be granted to the petitioner on stringent conditions.

The petitioner shall be released on bail on his executing bond for Rs.50,000/- with two solvent sureties for the like amount to the satisfaction of the Judicial Magistrate of the First Class-I, Nedumangad, subject to the following conditions:

- a) The petitioner shall report before the investigating officer between 9 A.M. and 11 A.M. on all Mondays and Thursdays, till the final report is filed or until further orders;
- b) The petitioner shall appear before the investigating officer for interrogation as and when required;
- c) The petitioner shall not try to influence the prosecution witnesses or tamper with the evidence;
- d) The petitioner shall not commit any offence or indulge in any prejudicial activity while on bail;
- e) In case of breach of any of the conditions mentioned above, the bail shall be liable to be cancelled.

The Bail Application is allowed as above.

**K.T.SANKARAN,
JUDGE**