

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.Q.BARKATH ALI

FRIDAY, THE 31ST DECEMBER 2010 / 10TH POUSHA 1932

Bail Appl..No. 7409 of 2010()

CMP.5520/2010 of J.M.F.C., HARIPAD
CRIME NO. 117/2009 OF KARTHIKAPPALLY EXCISE RANGE,
ALAPPUZHA DISTRICT
.....

PETITIONER/ACCUSED

ASHOKAN,S/O.KOCHUNANU
VETTUTHARA VEETIL
WORLD VISION COLONEY,PERUMBALLY MURI,
ARATTUPUZHA VILLAGE

BY ADV. SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL

RESPONDENT/COMPLAINANT

STATE OF KERALA, REP.BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA,REP.BY EXCISE
INSPECTOR, KAYAMKULAM RANGE

PUBLIC PROSECUTOR SRI.P.A.SALIM

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD
ON 31/12/2010, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

P.Q.BARKATH ALI, J.

B.A.No.7409 OF 2010

Dated this the 31st day of December, 2010

ORDER

This is a bail application filed by the accused in Crime No.117/2009 of Karthikappally Excise Range, Alappuzha district under section 439 of Cr.P.C.

2. The allegation against the petitioner is that he was found in possession of 1 litre of arrack on December 16, 2009 at 12 noon and that thereby committed the offence punishable under Section 8(2) of Abkari Act. He was arrested on the spot and is in remand thereafter. The learned Magistrate rejected his bail application.

3. It is alleged in the petition that petitioner is innocent of the offence alleged against him and that he is prepared to abide by any condition that may be imposed by this court, if released on bail.

4. Notice given to the learned Public Prosecutor. This petition is opposed by the learned Public Prosecutor.

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

6. For the following reasons, I am inclined to grant bail to the petitioner. The quantity of contraband involved in this case is only 1 litre of arrack. Further, investigation in this case is almost over. The main

witnesses have already been questioned. Public Prosecutor submitted that there is a similar case pending against the petitioner. Counsel for the petitioner submitted that petitioner has already been released on bail in that case. Under these circumstances, I feel that petitioner can be released on bail subject to conditions.

7. In the result, the petition is allowed. The petitioner shall be released on bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two solvent sureties for like sum each to the satisfaction of the lower court on the following conditions:-

- 1) The petitioner shall appear before the Investigating Officer on all Mondays between 10 a.m. and 11 a.m.
- 2) The petitioner shall not commit similar offence while on bail.
- 3) The petitioner shall co-operate with the investigation and shall not try to influence the prosecution witnesses or tamper with the evidence.
- 4) Petitioner shall not leave the limits of the jurisdiction of the lower court without prior permission.
- 5) In case of violation of any of the conditions mentioned above, lower court can cancel his bail.

P.Q.BARKATH ALI, JUDGE

SV.

