

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. 8557 of 2010()

CMP.2486/2010 of J.M.F.C.-II,TRIVANDRUM
(CRIME NO.546 OF 2010 OF THUMBA POLICE SATATION)

PETITIONER/ACCUSED

THANKMONY,D/O.AMMU,SANDHYA NIVAS,
TC 81/1194/4,KORALAM KUZHY,POUNDKADAVU WARD,
ATTIPRA VILLAGE,THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.ARUN KUMAR

RESPONDENT(S): COMPLAINANT

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

BY P.P. 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.

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B.A. No. 8557 of 2010

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Dated this the 31st day of December, 2010

ORDER

This is a bail application filed by the accused in Crime No.546 of 2010 of Thumba Police Station under section 439 of the Cr.P.C.

2. The allegation against the petitioner is that on November 8, 1010 he was found in possession of 2.5 litres of Indian Made Foreign Liquor in four bottles with a glass and cash and found engaged in selling of the same and that thereby committed offences punishable under section 55(a) (i) of the Abkari Act.

3. The petitioner was arrested on 8-11-2010 and she is in remand thereafter. The learned Magistrate as well as the learned Sessions Judge rejected her bail applications. Previous bail application filed by her before this Court was also rejected.

4. It is alleged in the petition that the petitioner is innocent of the allegations levelled against her and that if she is released on bail, she is prepared to abide by any conditions that may be imposed by this Court.

5. Heard learned counsel for the petitioner and the learned Public Prosecutor. This petition is opposed by the learned Public Prosecutor on the ground there is another similar case against her.

6. Petitioner is a lady aged 50 and has two daughters. She is in remand from November 8, 1010 onwards. Further the quantity involved in this case is only 2.5 litres of Indian Made Foreign Liquor. Permissible quantity of Indian Made Foreign Liquor that can be possessed by a person is 3.5 litres for personal use as prescribed under notification issued by the Government under sections 10 and 13 of the Abkari Act. Further the investigation in this case is already over. The learned counsel for the petitioner submits that if the petitioner is released on bail she will not repeat similar offence. For the reasons stated above and in the facts and

circumstances of the case, I feel that the petitioner can be released on bail on conditions.

7. In the result, the petition is allowed. The petitioner shall be released on bail on her executing a bond for Rs.25,000/- with two solvent sureties for like sum each to the satisfaction of the trial court on the following conditions:-

- 1) The petitioner shall report before the Investigating Officer on all Mondays and Saturdays between 10 a.m and 11 a.m.
- 2) The petitioner shall not commit similar offence while on bail.
- 3) Petitioner shall co-operate with the investigation and shall not intimidate the witnesses.
- 4) If the petitioner violates any of the conditions mentioned above, lower court can cancel her bail.

P.Q. BARKATH ALI, JUDGE.

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