

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 28TH DAY OF SEPTEMBER 2012/6TH ASWINA 1934

Bail Appl..No. 6543 of 2012 ()

(CRIME NO. 493/CR/HHW-III/KKD/10/CB CD(CRIME NO.361/2010 OF WANDOOR POLICE
STATION, MALAPPURAM DISTRICT)

APPLICANT/ACCUSED NO. 24:

K.C.JOY, AGED 48 YEARS
S/O. CHACKO CHACKO @ KUTTAPPAN
KANAKAMANGALAM HOUSE, ANICHAKARI
CHAMBAKULAM VILLAGE, ALAPPUZHA DISTRICT.

BY ADVS.SMT.T.D.RAJALAKSHMI
SRI.R.SREEHARI

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI- 682031
THROUGH THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID HHW III, SUB UNIT WAYANAD.

R BY PUBLIC PROSECUTOR, SRI. RASHEED C.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-09-2012, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

BP

P. BHAVADASAN,J.

B.A. NO. 6543 of 2012

Dated this the 28^h day of September, 2012

ORDER

Petitioner is the accused in Crime No. 493/CR/HHW-III/KKD/10/CB CID (Crime No.361/2010) for having committed offences punishable under Sections 302, 307, 201 r/w Section 34 of IPC. The petitioner is the 24th accused in Crime No. 361/2010 of Wandoor police station.

2. The allegation against the petitioner is that ten persons died and 86 persons sustained injuries due to consumption of toddy mixed with noxious substance are sold in contravention of the provisions of the Abkari Act. The petitioner would say that he is totally innocent and falsely implicated with ulterior motives. At any rate, he points out that he is in custody from 25.07.2012 and continued custody of the petitioner is unnecessary.

3. The learned Public Prosecutor opposed the petition and points out that the petitioner is related to the incident which resulted in the death of ten persons and injury sustained by others. It is also pointed out that some of the accused have

been granted bail only after expiry of the statutory period and petitioner is in custody from 25.07.2012 only.

4. After having heard the learned counsel for the petitioner and the learned Public Prosecutor and considering the nature of offences committed by the petitioner and also since there is no apprehension raised by the prosecution that if released on bail, the petitioner is likely to abscond, it is felt that bail can be granted to the petitioner. Accordingly, this application is allowed and the petitioner is granted bail subject to the following conditions:

(i) 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 each for the like sum to the satisfaction of the JFCM, Perinthalmanna.

(ii) The learned Magistrate shall ensure the identity of the sureties and also the veracity of the tax receipts before granting bail.

(iii) The petitioner shall report before the Investigating Officer on every Wednesday between 9 am to 10 am till final report is laid.

(iv) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witness.

(v) if any of the conditions is violated, the bail granted shall stand cancelled and the JFCM concerned , on being satisfied of the said fact, may take such proceedings as are available to him in law.

Sd/-

P. BHAVADASAN, JUDGE.

//true copy//

P.A. To Judge

dlk