

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 17TH DAY OF OCTOBER 2014/25TH ASWINA, 1936

Bail Appl..No. 7188 of 2014 ()

CRIME NO. 77/2014 OF KALPETTA EXCISE RANGE, WAYANAD DISTRICT

PETITIONER/ACCUSED:

P.C.PRABHAKARAN, S/O.ARUTHAN,AGED 64 YEARS,
PADINJARECHALIL HOUSE, AREPETTA,
MEPPADI P.O., VYTHIRI TALUK, WAYANAD.

BY ADV. SRI.A.C.DEVY

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM -682 031.

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-10-2014, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

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B.KEMAL PASHA, J.

.....
B.A. No.7188 of 2014
.....

Dated this the 17^h day of October, 2014

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.77/2014 of Kalpetta Excise Range, Wayanad registered for the offence punishable under Sections 8(1) and (2) of the Kerala Abkari Act.

3. The allegation against the petitioner is that on 20.09.2014 at 2 p.m. he was found in possession of 1½ litres of coloured illicit arrack in contravention of the provisions of the Abkari Act. The petitioner was arrested on 20.09.2014. Thereafter, he has been in custody.

4. Heard learned counsel for the petitioner and learned Public Prosecutor. The learned Public Prosecutor has opposed the petition.

5. It is submitted that no criminal antecedents have been reported against the petitioner. The contraband involved is a small quantity of arrack of 1½ litres. The petitioner has been in custody from 20.09.2014 onwards. Having regard to the period undergone by the petitioner in custody, the absence of any criminal antecedents on his part, and the small quantity of contraband involved in this case, this Court is of the view that the petitioner can be enlarged on bail on conditions.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the court below, and subject to the following terms and conditions:-

(i) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Fridays and Mondays, commencing from 24-10-2014 for a period of

three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge