

Shine Vs. State of Kerala

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Court : Kerala

Decided On : Dec-28-2012

Judge : Hon'Ble Mr. Justice Babu Mathew P.Joseph

Appellant : Shine

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HON'BLE MR. JUSTICE BABU MATHEW P.JOSEPH FRIDAY, THE 28TH DAY OF DECEMBER 2012 7TH POUSHA 193 Bail Appl..No. 9901 of 2012 () ----- (CRIME NO.1141/2012 OF PEERMADE POLICE STATION) ACCUSED(S)/ACCUSED NOS.2 : ----- 1. SHINE, S/O.JOHN KALAPPURKKAL HOUSE, PATTUMMUDI COLONY, KARADIKKUZHI PEERMADE VILLAGE, IDUKKI DISTRICT.

2. ARUN KUMAR, S/O.SELVARAJA RAJBHAVAN HOUSE, 55TH MILE BHAGAM, KARADIKKUZHI PEERMADE VILLAGE, IDUKKI DISTRICT. BY ADV. SRI.LATHEESH SEBASTIAN COMPLAINANT(S)/STATE : ----- 1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM

031. 2. SUB INSPECTOR OF POLICE PEERMADE POLICE STATION, IDUKKI DISTRICT

665. BY PUBLIC PROSECUTOR SRI.P.M.SANEER. THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 28-12-2012, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: BABU MATHEW P. JOSEPH, J.

----- B.A. No. 9901 of 2012
----- Dated this the 28th day of
December, 2012 ORDER This petition is filed under Section 439 of Cr.P.C. for
bail.

2. Heard the learned counsel appearing for the petitioners and the learned Public Prosecutor appearing for the respondents. C.D. produced.

3. The petitioners are accused 2 and 3 in Crime No.1141 of 2012 of Peermade Police Station. The offences alleged are under Sections 55(a) and 55(i) of the Kerala Abkari Act. The allegation is that the accused in this case were found in possession of 20 litres of Indian made foreign liquor and were transporting the same in an autorickshaw. The petitioners were arrested on 27.11.2012 and produced before the court. They were remanded to judicial custody. They continue to be in custody. Learned counsel for the petitioners submits that the petitioners are innocent of the allegations raised against them. The petitioners have no criminal antecedents. The investigation of the case is almost over. The first accused in this case was already granted bail by this Court by [B.A.No.9901/2012] 2 order dated 24.12.2012 on B.A.No.9708 of 2012. He further submits that the continued custody of the petitioners is not required for completing the investigation.

4. Learned Public Prosecutor has not disputed the fact that the investigation of the case has progressed much. He submits that no criminal antecedents have been reported against the petitioners. In view of these facts and the fact that the first accused in this case was already granted bail by this Court, he has no objection in granting bail to the petitioners imposing appropriate conditions. In the light of the facts weighed with the learned Public Prosecutor, this Court is also of the view that the petitioners can be granted bail imposing appropriate conditions. Therefore, the petitioners are granted bail subject to the following conditions:

- 1) The petitioners shall be released on bail on their executing bonds for Rs.25,000/- (Rupees Twenty Five Thousand only) each with two solvent sureties each for the like sum to the satisfaction of the concerned Magistrate's Court.
- 2) The petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Fridays for a period of two months. [B.A.No.9901/2012] 3
- 3) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.
- 4) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.
- 5) The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.
- 6) The petitioners shall not commit any similar offence while on bail.
- 7) The petitioners shall not leave India without the previous permission of the concerned Magistrate's Court. This application is allowed as above. Sd/- BABU MATHEW P. JOSEPH, JUDGE. krs.

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