

**Santhosh Vs. State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1099290](http://sooperkanoon.com/1099290)

**Court :** Kerala

**Decided On :** Nov-29-2013

**Judge :** Honourable Mr.Justice Thomas P.Joseph

**Appellant :** Santhosh

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH FRIDAY, THE 29TH DAY OF NOVEMBER 2013 8TH AGRAHAYANA, 1935 Bail Appl.No. 7838 of 2013 ----- CRIME NO. 1562/2012 OF KILIKOLLOOR POLICE STATION , KOLLAM ... PETITIONER/26TH ACCUSED: ----- SANTHOSH, AGED 33 YEARS, S/O. NATESH, VI/22, 4TH CROSS, 5TH MAIN, CHAMARAJPET, AZAD NAGAR, BANGALORE. BY DR.K.P.SATHEESAN, SENIOR ADVOCATE ADVS. SRI.M.R.JAYAPRASAD SRI.P.MOHANDAS (ERNAKULAM) SRI.ANOOP.V.NAIR SRI.S.VIBHEESHANAN RESPONDENT/STATE & COMPLAINANT: ----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.

2. THE ASSISTANT POLICE COMMISSIONER, CRIME DETACHMENT, KOLLAM CITY, KOLLAM-691 001. R1 & R2 BY PUBLIC PROSECUTOR

SRI.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-11-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:  
Kss THOMAS P. JOSEPH, J ----- B.A.No.7838 of 2013  
----- Dated this the 29th day of November, 2013

## ORDER

Petitioner is the 26th accused, in Crime No.1562 of 2012 of the Kilikolloor Police Station for the offences punishable under Section 120(b) of the Indian Penal Code and Section 55 (a) and (i) of the Kerala Abkari Act, is in custody from 03-10- 2013 and seeks bail.

2. Learned Public Prosecutor has submitted that on 21- 11-2012 there was a conspiracy between some of the accused for transportation of illicit spirit and on 12-12-2012 accused Nos. 24 and 24 arranged transportation of a load of spirit in a lorry. Petitioner belongs to Bangloor. He brought 8025 liters of spirit in a lorry up to Kozhinjapara, the Kerala border and there, he handed over the same to the 25th accused. Petitioner is involved in another Crime in Crime No.204 of 2013 registered by the Tamil Nadu Police. It is submitted the vehicle was traced but its R.C owner and driver are to be traced.

3. Learned Senior Advocate argues that the petitioner is in custody from 03-10-2013 and that some of the accused, said to be actually involved in the incident are granted bail. Referring to the argument of the learned Public Prosecutor, B.A.No.7838 of 2013 2 learned Senior Advocate submitted that the petitioner is prepared to offer sureties from the State of Kerala.

4. Having regard to the circumstances and considering that the petitioner is in custody from 03-10-2013 and I am inclined to grant bail but subject to stringent conditions so that the grant of bail would not affect the investigation of the case. The presence of the petitioner has to be ensured for trial and investigation of the case. I am inclined to accept the offer made by the learned Senior Advocate as to production of sureties from the State of Kerala. Resultantly, the application is allowed as under: Petitioner is granted bail in Crime No.1562 of 2012 of the Kilikolloor Police Station and shall be released, if not required to be detained otherwise on his executing bond for Rs.25,000/- (Rupees twenty five thousand

only) with two sureties for the like sum each to the satisfaction of the jurisdictional magistrate and subject to the following conditions: a) Bail bond shall be executed within three weeks from this day. b) Sureties shall be from the State of Kerala and having properties in this State as offered by the learned Senior B.A.No.7838 of 2013 3 Advocate of the petitioner. c) Petitioner shall surrender his passport before the learned magistrate while executing the bond and in case he has none, file affidavit to that effect. d) Petitioner shall report to the officer investigating the case on every Monday and Saturday between 10 a.m and 12 p.m until otherwise ordered by the jurisdictional magistrate (until committal of the case if any, and thereafter, by the learned Principle Sessions Judge concerned). e) Petitioner shall report to the officer investigating the case as and when required for interrogation. f) Except with the permission or until otherwise directed by the learned Magistrate or the learned Principle Sessions Judge as aforesaid, the Petitioner shall not until trial of the case is over go beyond the Kollam district. g) Petitioner shall not intimidate/influence witnesses. h) Petitioner shall not, during the period of this bail get involved in any offence. i) Petitioner shall co-operate with investigating of the case. j) In case any of condition Nos.(d) to (i) is violated, B.A.No.7838 of 2013 4 bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate (until committal of the case if any, and thereafter, before the learned Principle Sessions Judge concerned) as held in P.K.Shaji Vs. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P. JOSEPH, JUDGE AS /True Copy/ P.A. to Judge