

Balagopalan a Vs. State of Kerala

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Court : Kerala

Decided On : Jun-20-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Balagopalan a

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH FRIDAY,THE20H DAY OF JUNE201430TH JYASHTA, 1936 Bail Appl..No. 4587 of 2014 ----- CRIME NO. 235/2014 OF CHITTARIKAL POLICE STATION , KASARGOD ----- PETITIONER(S)/ACCUSED NOS.2 & 3: ----- 1. BALAGOPALAN A, AGED39YEARS, S/O.AMBADY, ELERI VEEDU, KONNAKKAD, MALOM VILLAGE, KASARAGOD DISTRICT.

2. BALAKRISHNAN M., AGED45YEARS, S/O.KLUNHAMBU, THEKKE VEEDU, KOOLIMADA, KONNAKKAD, MALOM VILLAGE, KASARAGOD DISTRICT. BY ADV. SRI.K.P.HARISH RESPONDENT(S)/COMPLAINANT & STATE: ----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031.

2. THE STATION HOUSE OFFICER, CRIME NO.235/2014, CHITTARIKKAL POLICE STATION, KASARAGOD DISTRICT-671 121. BY PUBLIC PROSECUTOR SMT.LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 2006-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: PJ THOMAS P. JOSEPH, J.

----- Bail Appl. No.4587 of 2014
----- Dated this the 20th day of June 2014

ORDER

Petitioners are accused nos.2 and 3 in Crime No.235 of 2014 of the Chittarikkal Police station for the offence punishable under Sec.55(i) of the Kerala Abkari Act for alleged possession and transportation of total of 17.5 litres of IMFL in an auto rickshaw on 31.05.2014, are in custody since then and seek bail.

2. I have heard the learned counsel for the petitioners and the learned Public Prosecutor.

3. The petitioners are not reported to be involved in any other case from the Chittarikkal Police station. The 1st accused in the case was granted bail by this Court as per order dated 17.06.2014 in B.A. No.4301 of 2014. Having regard to the relevant circumstances, I am inclined to think that further detention of the petitioners is not required. Hence I am inclined to grant bail to the petitioners but Bail Appl. No.4587 of 2014 2 subject to conditions. Application is allowed as under. Petitioners are granted bail in Crime No.235 of 2014 of the Chittarikkal Police station and shall be released on bail (if not required to be detained otherwise) on their executing bond for Rs.25,000/- (Rupees twenty five thousand only) each with two sureties each for the like sum each to the satisfaction of the jurisdictional magistrate and subject to the following conditions. (a) One of the sureties shall be a close relative of any of the petitioner. (b) Petitioners shall report to the officer investigating the case on every alternate Saturday between 10 a.m and 12 p.m for a period of two months or till final report is Bail Appl. No.4587 of 2014 3 filed, whichever is earlier. (c) Petitioners shall report to the Investigating Officer as and when directed for interrogation. (d) Petitioners shall not, during the

period of this bail get involved in any offence. (e) Petitioners shall not intimidate or influence the witnesses. (f) In case of violation of any of condition Nos.(b) to (e), bail granted hereby is liable to be cancelled by moving application before the learned magistrate (until committal of the case if any, and thereafter before the learned Principal Sessions Judge concerned) as held in P.K Shaji Vs. State of Kerala (AIR 2006 SC100. Bail Appl. No.4587 of 2014 4 (g) Since investigation is not completed, this order granting bail will take effect only from 25.06.2014. Sd/- THOMAS P. JOSEPH JUDGE / True Copy / NS P.A. To Judge

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