

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

TUESDAY, THE 05TH DAY OF MAY 2020 / 15TH VAISAKHA, 1942

CRL.M.C TMP NO.16 OF 2020

CRIME NO.47/2019 OF NILAMBUR EXCISE IN MALAPPURAM
DISTRICT.

PETITIONER/ PETITIONER

VISHNU P. AGED 24 YEARS, S/O
VENUGOPAL PODIYAT, AMARAMBALAM
PO, MELEKOOTTAMPARA, NILAMBUR
TALUK, MALAPPURAM DISTRICT.

BY ADV.SRI.P.SAMSUDIN

RESPONDENTS/RESPONDENTS

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1. STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH
COURT OF KERALA,
ERNAKULAM - 682 031,

2. THE EXCISE RANGE OFFICER
NILAMBUR

(CRIME NO. 47/2019)

BY PUBLIC PROSECUTOR SRI. E.C.BINEESH

THIS CRL.M.C. HAVING COME UP FOR ADMISSION ON
05.05.2020, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V.G.ARUN, J.

Crl. M.C. TMP No. 16 of 2020

Dated this the 5th day of May, 2020

ORDER

This Criminal Miscellaneous is filed by the accused in Crime No.47 of 2019 of the Nilambur Excise Range, seeking modification of the direction of Rs.1,00,000/- being deposited by each of the sureties as a condition for grant of bail to the petitioner.

2. The petitioner had earlier approached this Court with an application seeking bail, which was rejected under Annexure A1. Subsequently, the petitioner moved the Sessions Court and was granted bail subject to the above condition.

3. It is trite law that when bail is granted to an accused, he shall not be mulcted with onerous conditions, which are impossible of compliance, virtually amounting to denial of bail itself. The

decision of the Honourable Supreme Court in Keshab Narayan v. State of Bihar [AIR 1985 SC 1666] is a precedent to that effect.

4. I heard the learned Public Prosecutor also.

5. Following the dictum in Keshab Narayan (supra), I am inclined to modify the condition regarding deposit of cash security by the sureties.

In the result, this Crl.M.C is allowed by vacating the direction that the sureties should deposit Rs.1,00,000/- each. Instead, the petitioner shall execute a bond for Rs.1,00,000/- with two solvent sureties for the like amount, to the satisfaction of the jurisdictional court. The petitioner shall co-operate with the investigation and shall not threaten the witnesses, or tamper with the evidence in any manner.

This Crl.M.C. is allowed as above.

V.G.ARUN
JUDGE

Sc1/5.5