

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936**

**Bail Appl..No. 9 of 2015 ()**  
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**CRIME NO. 1414/2014 OF IRITTY POLICE STATION, KANNUR**  
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**PETITIONERS/ACCUSED NOS. 1 & 2 :**  
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- 1. RAJESH G @ RAJESH, AGED 26 YEARS,  
S/O. GOVINDARAJU @ KANNAYYA, H.D.COTTAGE TALUK, MYSORE  
NOW RESIDING AT V.P.BORE, NR. MAHAKALI TEMPLE, HUNSOOR  
MYSORE.**
- 2. VISHAKANDA, AGED 28 YEARS,  
S/O. MAHADEVA, BIJIMHALLI, HUNSOOR TALUK, MYSORE.**

**BY ADV. SRI.C.P.UDAYABHANU**

**RESPONDENT/COMPLAINANT :**  
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**STATE OF KERALA  
REPRESENTED BY THE S.I. OF POLICE,  
IRITTY POLICE STATION (CRIME NO. 1414/14)  
REPRESENTED BY THE HIGH COURT OF KERALA,  
ERNAKULAM.**

**BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 16-01-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**bp**

**B.KEMAL PASHA, J.**

.....  
B.A. No.9 of 2015  
.....

Dated this the 16<sup>th</sup> day of January, 2015

**ORDER**

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A1 and A2 respectively in Crime No.1414/2014 of the Iritty Police Station, Kannur registered for the offence punishable under Sections 4 and 5 of the Explosive Substances Act, 1908.

3. The allegation against the petitioners is that on 08.12.2014 at 12.10 p.m., while the police party was conducting vehicle check near the Excise Check Post at Kiliyanthara, they found the petitioners transporting Ideal Power Explosives of 5997 nos., 100 kg. of Ammonium Nitrate and 1450 Electronic Detonator by jeep bearing Reg.No.KA45-3218. The petitioners have been in custody for the period from 08.12.2014 onwards.

4. Heard learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor has opposed the petition. Perused the CD.

5. The learned counsel for the petitioners have pointed out that the petitioners are only employees of the vehicle and the same was being taken to the quarry being conducted by A3. A3 has been enlarged on bail. No criminal antecedents have been reported against the petitioners. The investigation of this case is practically over. Continued detention of the petitioners in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioners in custody, the present stage of investigation and the absence of any criminal antecedents on their part, this court is of the view that the petitioners can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on their executing a bond for ₹1,00,000/- (Rupees one lakh only) each with two

solvent sureties each for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 23.01.2015 for a period of six months.

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

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

(iv) The petitioners 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**

ul/-

B.A.No. 9 of 2015

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[True copy]

P.S. to Judge