

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

Bail Appl.No. 257 of 2015

CRIME NO. 878/2014 OF MATTANNUR POLICE STATION, KANNUR
.....

PETITIONER(S)/ACCUSED:

**NIJIL PAVITHRAN, AGED 21 YEARS,
S/O.PAVITHRAN, STUDENT,
RESIDING AT KUNNUMMAL HOUSE, KOLARI AMSOM,
KALLOOR DESOM, KEECHERI P.O., THALASSERY TALUK,
KANNUR DISTRICT - 670 702.**

BY ADV. SRI.R.SURENDRAN

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
19-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

.....
B.A. No.257 OF 2015
.....

Dated this the 19th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.878/2014 of the Mattannur Police Station, Kannur registered for the offences punishable under Sections 4 and 5 of the Explosive Substances Act.

3. The allegation against the petitioner is that on 10.09.2014 at 4.15 pm, while the petitioner was handling the explosive substance for fabricating bomb, it accidentally exploded thereby the petitioner lost both his hands and sustained other injuries also. He was placed under arrest on 14.12.2014, while he was undergoing treatment at the Amrita Hospital, Ernakulam.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor. Perused the CD.

5. It has come out that the petitioner has lost both his hands in the explosion. The contents of the CD reveal that the investigation of this case is practically over. Continued detention of the petitioner in custody is not required for the continued investigation of this case. Considering the serious handicap sustained to the petitioner, the present stage of investigation and having regard to the period undergone by the petitioner in custody, I am of the view that the petitioner can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties 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 petitioner shall report before the

Investigating Officer in between 9 a.m. and 11 a.m. on all Mondays and Thursdays commencing from 26.01.2015 for a period of six months.

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

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

(iv) The petitioner 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/-

[True copy]

P.S. to Judge