

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. 262 of 2015

CRIME NO. 586/2014 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 SRI.SREEJITH V.S.

**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.262 OF 2015
.....

Dated this the 19th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is one of the accused in Crime No.586/2014 of the Mattannur Police Station, Kannur registered for the offences punishable under Sections 3 and 5 of the Explosive Substances Act.

3. The allegation against the petitioner and the other accused is that on 14.06.2014 at 1.30 am, they hurled a bomb on the house of the grandmother of the defacto complainant on account of political enmity thereby causing an explosion. It is alleged that the petitioner sustained very serious injuries by the explosion of explosive substances at

4.15 pm on 10.09.2014, while he was handling it for fabricating bomb, thereby he was hospitalised, for which Crime No.878/2014 was registered for the offences punishable under Sections 4 and 5 of the Explosive Substances Act. While he was undergoing treatment at the Amrita Hospital, Ernakulam, he was placed under arrest in that Crime on 14.12.2014 and thereafter he has been in custody. He was placed under arrest on the same day itself in this crime also.

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

B.A.No. 262 of 2015

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conditions stipulated above will result in the cancellation of bail.

ul/-

Sd/- B.KEMAL PASHA, JUDGE

[True copy]

P.S. to Judge