

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

Bail Appl..No. 332 of 2015 ()

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CRIME NO. 306/2013 OF MUKKOM POLICE STATION, KOZHIKODE.**

PETITIONER/2ND ACCUSED:

**MAKBOOR, AGED 41 YEARS,
S/O.KUNHAMMED HAJI, KUNKANCHERRY HOUSE,
VADAKKETHODI, CHENDAMANGALLOOR P.O, KOZHIKODE.**

**BY ADVS.SRI.T.G.RAJENDRAN,
SMT.ANN SUSAN GEORGE.**

RESPONDENTS/COMPLAINANT/STATE:

- 1. SUB INSPECTOR OF POLICE,
MUKKOM POLICE STATION,
KOZHIKODE - 673 602**
- 2. STATE OF KERALA,
REP. 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 02-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

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B.A. No. 332 of 2015

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Dated this the 2nd day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.306 of 2013 of the Mukkom Police Station, Kozhikode District, registered for the offence punishable under Section 5 of the Explosive Substances Act.

3. The allegation against the petitioner and the 3rd accused is that they had rented out a shop room to the 1st accused and that the 1st accused had stored huge quantity of explosive substances in the said building.

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

5. The 3rd accused also stands in the same footing of the present petitioner and the 3rd accused was granted bail by this Court. Even though the petitioner had also approached this Court for anticipatory bail, that was denied to him only because of the fact that he was abroad. All the main overt acts are alleged against the 1st accused. There is no

allegation that the petitioner had stored any explosive substances. He has been arraigned as an accused in the said crime, only because of the fact that the premise was leased out by him along with his father, who is the 3rd accused, to the 1st accused. Considering the facts and circumstances of the case and the present stage of the investigation, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner, especially when no criminal antecedents have been reported against the petitioner.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Mondays and Thursdays commencing from 09.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(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

DSV/2/2/15

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P.A. To Judge

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