

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

Bail Appl..No. 340 of 2015

CRIME NO. 27/2015 OF NATTUKAL POLICE STATION, PALAKKAD DISTRICT.
.....

PETITIONER/ACCUSED:

**K.VIJAYAKUMAR,
S/O.LATE A.D.NAMBIAR, AGED 53 YEARS
PROPRIETOR OF M/S.ROYAL BHARATGAS,
ENVEES BUILDING, KUNTHIPPUZHA,
MANNARKKAD, PALAKKAD DISTRICT-678 582.**

BY ADV. SRI.R.SURENDRAN

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.SREEJITH.V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

=====

B.A. No.340 of 2015

=====

Dated this the 27th day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.27 of 2015 of the Nattukal Police Station, registered for the offences punishable under Sections 4(1)(b) of the Liquefied Petroleum Gas (Regulation of Supply and Distribution) Amendment Order, 2012 read with Section 3 and 7(1)(a) of the Essential Commodities Act, 1955 and Section 9B(1)(C) of the Explosives Act, 1884 read with Rule 20 of the Gas Cylinder Acts and Section 118(e) of the Kerala Police Act .

3. The allegation against the petitioner is that he was found keeping in his possession filled gas cylinders and empty gas cylinders in a vehicle as well as in the open place, without sufficient safeguard on 11.01.2015.

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

5. On a perusal of the CD, I do not find sufficient

materials to bring out the offence alleged against the petitioner under the Essential Commodities Act. The other offences are bailable. Considering the facts and circumstances of the case and the present stage of the investigation, I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to 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 Tuesdays and Fridays commencing from 03.02.2015 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/27/1/15

// True Copy //

P.A. To Judge

