

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

Bail Appl..No. 436 of 2015

CRIME NO. 3/2013 OF KUDIYANMALA POLICE STATION , KANNUR

PETITIONER(S):

1. ANUPRASAD, AGED 33 YEARS
S/O.BHASKARAN, VELLUVA PILAKKANDY PUTHIYAVEETIL
ERUVESY AMSOM DESOM, TALIPARAMBA TALUK,
KANNUR DISTRICT.
2. BINEESH K.P, AGED 33 YEARS
S/O.KRISHNAN, KIZHAKKE PURAYIL, ERUVESY AMDOM DESOM
CHUNDAKKUNNU.P.O., KANNUR DISTRICT.

BY ADVS.SRI.P.NARAYANAN
SRI.NICHOLAS JOSEPH

RESPONDENT(S):

STATE OF KERALA,
THROUGH STATION HOUSE OFFICER,
KUDIYANMALA POLICE STATION,
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 12-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PJ

B.KEMAL PASHA, J.

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B.A. No.436 of 2015

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Dated this the 12th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A1 and A2 in Crime No.3 of 2013 of the Kudiyanmala Police Station, Kannur District, registered for the offences punishable under Sections 452 and 427 read with Section 34 of the Indian Penal Code and Sections 3 and 5 of the Explosive Substances Act.

3. The allegation against the petitioners is that on 03.01.2013 at 00.10 a.m., they trespassed into the house of the defacto complainant and hurled bombs, thereby causing explosion and destruction of the doors and windows of the house, thereby causing a wrongful loss of ₹50,000/- to the defacto complainant.

4. Heard learned counsel for the petitioners and the

learned Public Prosecutor.

5. The contents of the CD *prima facie* reveal the complicity of the petitioners. The allegations against the petitioners are very grave and serious. The investigation of this case is not over. Considering the seriousness of the allegations against the petitioners and the present stage of the investigation, I am satisfied that this is not a fit case wherein anticipatory bail can be granted to the petitioners.

6. The learned counsel for the petitioners seeks for an opportunity to the petitioners to surrender before the investigating officer and to co-operate with the investigation.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioners may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioners, effect recovery if any, and conduct the investigation and produce the petitioners without delay before the court below, where the petitioners can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably

on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/12/2/15

//True copy//

P.A.To Judge