

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

Bail Appl..No. 472 of 2015

CRIME NO. 1560/2014 OF PAYYANNUR POLICE STATION , KANNUR DISTRICT

PETITIONER(S)/ ACCUSED NO.1 AND 2:

- 1. MADHUSOODANAN.P, AGED 51 YEARS,
S/O.KUNHAMBU PODUVAL, PATTATHADATHIL HOUSE,
KARAYIL, P.O.ANNUR, KANNUR DISTRICT.**
- 2. MANOJ C.V., S/O.BALAN, AGED 37 YEARS,
CHIRAKKOTH VALAPPIL HOUSE, KARAYIL, P.O.ANNUR,
KANNUR DISTRICT**

BY ADV. SRI.M.V.AMARESAN

RESPONDENT(S)/COMPLAINANT/STATE OF KERALA :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.**

BY PUBLIC PROSECUTOR SRI.SREEJITH.V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

.....
B.A. No.472 of 2015
.....

Dated this the 28th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A1 and A2 respectively in Crime No.1560/2014 of the Payyanur Police Station, Kannur registered for the offences punishable under Sections 143, 147 and 148 read with Section 149 of the Indian Penal Code and Sections 3 and 5 of the Explosive Substances Act.

3. It is alleged that on 07.12.2014 during night, around 1.00 a.m., while the defacto complainant and other family members were sleeping in their house, bombs were hurled on the house by the petitioners and the other accused who had formed themselves into an unlawful assembly, thereby causing explosion and also causing

severe damage to the affixtures of the house. The petitioners have been in custody for the period from 08.12.2014 onwards.

4. Heard learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor has opposed the petition. Perused the CD.

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioners. At the same time, no criminal antecedents have been reported against A1. As far as A2 is concerned, he is an accused in another case in which he has been enlarged on bail for an offence punishable under Section 324 IPC. The investigation of this case is practically over, as far as these petitioners are concerned. It is true that the other accused could not be identified yet. Having regard to the period undergone by the petitioners in custody and the present stage of investigation, this court is of the view that the petitioners can be enlarged on bail.

6. In the result, this Bail Application is allowed and

the petitioners shall be enlarged on bail on their executing a bond for ₹1,00,000/- (Rupees one lakh only) each with two solvent sureties each 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 petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 04.02.2015 for a period of six months.

(ii) Except for observing condition No.(i) above, the petitioners shall not enter Kannur District for a period of six months from today.

(iii) The petitioners shall not tamper with the evidence or influence witnesses.

(iv) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

(v) The petitioners 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