

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

Bail Appl.No. 488 of 2015

CRIME NO. 49/2015 OF VILAPPILSSALA POLICE STATION, THIRUVANANDAPURAM
.....

PETITIONER(S):

- 1. G. ASOKAN, AGED 64 YEARS,
NIKHIL NIVAS, MANALI, KOLLODU MURI,
KULATHUMMAL VILLAGE, THIRUVANANTHAPURAM.**
- 2. NIKHIL CHAND @ DEEPU, AGED 34 YEARS,
S/O. G.ASOKAN, NIKHIL NIVAS, MANALI,
KOLLODU MURI, KULATHUMMAL VILLAGE,
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.SHABU SREEDHARAN
SRI.N.MUHAMMAD SAJU
SRI.C.PAULOSE
SRI.SREEDHARAN KARATTA
SMT.RESHMA ABDUL RASHEED**

RESPONDENT(S):

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

BY PUBLIC PROSECUTOR SRI.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
16-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

=====

B.A. No.488 of 2015

=====

Dated this the 16th day of February, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.49/2015 of the Vilappilsala Police Station, Thiruvananthapuram, registered for the offences punishable under Sections 304 and 338 read with Section 34 IPC.

3. The allegation against the petitioners is that they are running a quarry wherein an incident had taken place at 7.15 a.m. on 15.01.2015 whereby a portion of the rock at the upper side which was remaining detached from the rest of the rock, fell on two persons, who were working at the quarry beneath that rock, whereby one of the persons died.

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

5. It has been pointed out that two similar incidents had

earlier occurred in the quarry, wherein two persons had died. The contents of the C.D reveal that the petitioners were not present at the quarry at the time of incident. It is not a case where the death was caused due to any explosion, whereas the incident had occurred just as an accident when the persons were working at the quarry without caring the detached rock that was present at the upper side of the rock. When the petitioners were not present at the quarry at the time of incident, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, 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 Mondays and Thursdays, commencing from 23.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

(iii) The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iv) 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

stu

// TRUE COPY //

PA to Judge