

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Bail Appl..No. 880 of 2015

CRIME NO. 72/2015 OF KOLLENGODE POLICE STATION , PALAKKAD

PETITIONER/ACCUSED:

SHAIK MUSTHAFA, AGED 55 YEARS
S/O.JABBAR RAWTHER, SANA MANZIL, PALLAM
MUTHALAMADA, CHITTUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.NIREESH MATHEW

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED 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
26-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

B.A.No.880 of 2015

Dated this the 26th day of March 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.72/2015 of Kollengode police station, Palakkad registered for the offence punishable under Section 3 of the Explosive Substances Act.

3. The allegation against the petitioner is that on 13.1.2015 at 7.40 p.m., he was found keeping 3 jelatin sticks, 3 fuse wires, ½ Kg. of gun power and one detonator in a shed, in the property of one Pankajakshan for the purpose of blasting the rock illegally.

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

5. There is no allegation that the explosive substances were

kept for any purpose, other than the purpose of blasting the rock. According to the learned counsel for the petitioner, the petitioner was entrusted with the task for removing the rock from the property of the said Pankajakshan, for enabling him to put up a building there. No criminal antecedents have been reported against the petitioner. The investigation of the case is practically over. The custodial interrogation of the petitioner is not 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.

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 petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his 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 petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 2.4.2015 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

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PA to Judge