

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

Bail Appl..No. 929 of 2015

CRIME NO. 1321/2014 OF KUZHALMANNAM POLICE STATION, PALAKKAD DISTRICT.
.....

PETITIONER/ACCUSED NO.1:

**SIVANANDAN, AGED 42 YEARS,
S/O. VELAYUDHAN, POPULLICKAL HOUSE,
CHITHALI, PALAKKAD.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B. KEMAL PASHA, J.

.....
B.A. No.929 of 2015
.....

Dated this the 8th day of April, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.1321/2014 of Kuzhalmannam Police Station registered for the offences punishable under Section 9(B)(b) of the Explosives Act, 1884 and Section 5 of the Explosive Substances Act, 1908.

3. The allegation against the petitioner is that he conducted a quarry without any licence, in the property of the 2nd accused and blasted rocks by using explosives without any licence or authorisation.

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

5. No criminal antecedents have been reported against the petitioner. The only allegation is that explosives

were used for blasting rocks without any licence or authorisation. There is no allegation that the explosives were kept for any other purpose. Considering all the above, 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.

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 Wednesdays and Saturdays commencing from 15.04.2015 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)

aks/08/04

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PA to Judge