

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936**

**BAIL APPL..NO. 984 OF 2015 ()**

**-----  
CRIME NO. 10/2015 OF KADIRUR POLICE STATION, KANNUR DISTRICT.**

**.....**

**PETITIONER/ACCUSED NO.1 IN THE CRIME:**

**-----**

**ALI AKBAR. K.P., AGED 39 YEARS,  
S/O.AHAMMED, AYISHA MANZIL, ERUVATTY AMSOM,  
PACHAPOIKA, THALASSERY, KANNUR.**

**BY ADV. DR.K.P.PRADEEP.**

**RESPONDENTS/COMPLAINANT:**

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- 1. STATE OF KERALA,  
REPRESENTED BY ITS PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
OFFICE OF THE ADVOCATE GENERAL,  
HIGH COURT, KOCHI - 682 031.**
- 2. STATION HOUSE OFFICER,  
KADIRUR POLICE STATION, KADIRUR,  
VIA. THALASSERY, KANNUR DISTRICT,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, OFFICE OF THE  
ADVOCATE GENERAL, HIGH COURT, KOCHI - 682 031.**

**BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 02-03-2015, ALONG WITH BA. NO.1003 OF 2015, THE COURT  
ON THE SAME DAY PASSED THE FOLLOWING:**

**rs.**

**B. KEMAL PASHA, J.**

.....  
B.A. Nos.984 & 1003 2015  
.....

*Dated this the 2<sup>nd</sup> day of March, 2015*

**ORDER**

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Petitions filed under Section 439 Cr.P.C.

2. Petitioners are accused Nos.1 and 2 respectively in Crime No.10/2015 of Kadirur Police Station registered for the offence punishable under Section 4 of the Explosive Substances Act.

3. The allegation against the petitioners is that on 02.01.2015 at 9.15 a.m. they were found transporting 5 sacks, each containing 50 Kg. of Ammonium Nitrate and 140 detonators, in contravention of the provisions of the Explosive Substances Act. The petitioners have been in custody for the period from 02.01.2015 onwards.

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

5. It has come out that the petitioners have collected

and transported the said contraband items for the purpose of illegal quarrying. The investigation has revealed that apart from quarrying purpose, the explosive substances were not meant for any other activities. No criminal antecedents have been reported against the petitioners. Having regard to the period undergone by the petitioners in custody and the present stage of investigation, and the facts and circumstances of the case, I am satisfied that the petitioners can be enlarged on bail.

6. In the result, these Bail Applications are allowed and the petitioners shall be enlarged on bail on each of them executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties 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 Mondays and Thursdays, commencing from*

*09.03.2015 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)**

aks/02/03

*// True Copy //*

*PA to Judge*