

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

Bail Appl..No. 994 of 2015

CRIME NO. 586/2014 OF KUDIYANMALA POLICE STATION , KANNUR DISTRICT

PETITIONER(S)/2ND ACCUSED :

**T.C.ABDUL KHADER, AGED 44 YEARS,
S/O.MOIDEEN, THUPPANACHALIL HOUSE, PAVANNURMOTTA,
MAYYIL, KANNUR DISTRICT, PIN- 670 602.**

BY ADV. SRI.C.K.PRASAD

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER,
KUDIYANMALA POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SRI.N.SURESH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

B.SUDHEENDRA KUMAR, J.

Bail Application No.994 of 2015

Dated this the 26th day of June 2015

O R D E R

The petitioner is the second accused in Crime No.586/2014 of Kudiyanmala Police Station registered under Section 4 of Explosive Substances Act.

3. The prosecution allegation is that the petitioner is the owner of a quarry situated in Naduvil village in Kannur District. On 26.12.2014, the *de-facto complainant and party* found the first accused in the crime in possession of explosive substances, without having any valid documents,

for the purpose of quarrying operation. The first accused is the worker of the petitioner.

3. The petitioner has filed this application praying for the relief under Section 438 Cr.P.C.

4. Heard.

5. The learned Public Prosecutor has no serious objection in allowing the application. There is no allegation that the explosive substance was possessed by the first accused for any activity other than mining the quarry belonging to the second accused. The petitioner is not involved in any other offence of similar nature. Considering the facts and circumstances of the case, I am of the view that this is not a case wherein the custodial interrogation of the petitioner is necessary for the progress

of investigation of the case. In the said circumstances, an order under Section 438 Cr.P.C. in favour of the petitioner will be justified in this case.

In the result, this application stands allowed and the respondent is directed to release the petitioner on bail in the event of his arrest in connection with Crime No.586/2014. of Kudiyanmala Police Station on condition of the petitioner executing a bond for Rs.25,000/ (Rupees twenty five thousand only) with two solvent sureties, each for the like sum to the satisfaction of the Sub Inspector of Police, Kudiyanmala Police station, before whom the petitioner shall surrender within ten days from today and subject to the following conditions:

- (i) The petitioner shall report before the

Investigating Officer on every Monday between 9 a.m. and 11 a.m. for three months and thereafter, as and when required by the Investigating Officer for interrogation.

(ii) The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.

(iii) The petitioner shall not get involved in any offence while on bail.

**B.SUDHEENDRA KUMAR,
JUDGE**

dl