

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

Bail Appl..No. 1320 of 2015 ()

CRIME NO. 41/2015 OF PERINGOM POLICE STATION, KANNUR DISTRICT

PETITIONERS/ACCUSED 1 AND 2 :

- 1. P.DIVAKARAN, AGED 51 YEARS
S/O.GOPALAN, PIDACHI HOUSE, PERUNTHATTA AMSOM
THAVIDISSERY.**
- 2. SHYJU K., AGED 27 YEARS
S/O.DAMODARAN, KIZHAKAKKARAN HOUSE,
PERUNATHATTA AMSOM
THAVIDISSERY.**

**BY ADVS.SRI.I.V.PRAMOD
SRI.S.U.NAZAR**

RESPONDENT/COMPLAINANT/STATE :

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

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.KEMAL PASHA, J.

.....
B.A. No.1320 of 2015

.....
Dated this the 12th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A1 and A2 respectively in Crime No.41/2015 of the Peringom Police Station, Kannur registered for the offences punishable under Sections 3 and 5 of the Explosive Substances Act.

3. The allegation against the petitioners is that on 13.01.2015 at 1.30 a.m., they hurled bombs at the house of the defacto complainant by causing severe explosions, and thereby the front windows and its frame and parts of the wall of the building have been destroyed, which has resulted in wrongful loss of ₹30,000/- to the defacto complainant. The petitioners have been in custody for the period from

26.02.2015 onwards.

4. Heard learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor has opposed the petition. Perused the CD.

5. No criminal antecedents have been reported against the petitioners. At the same time, the allegations levelled against the petitioners are very grave and serious. It seems that the defacto complainant has sustained a wrongful loss of ₹30,000/-. Having regard to the period undergone by the petitioners in custody and the absence of any criminal antecedents on their part, this court is of the view that the petitioners can be enlarged on bail, by making a provision for compensating the damages sustained to the defacto complainant.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on their executing a bond for ₹1,00,000/- (Rupees one lakh only) each with two solvent sureties each 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) Each of the petitioners shall deposit an amount of ₹15,000/- before the court below.

(ii) The petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 19.03.2015 for a period of six months.

(iii) Except for observing condition No.(ii) above, the petitioners shall not enter the local limits of the Peringom Police Station, Kannur for a period of six months from today.

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

(v) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

(vi) 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

ul/-

[True copy]

P.S. to Judge