

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

Bail Appl..No. 1572 of 2015 ()

CRIME NO. 5/2013 OF KUDIYANMALA POLICE STATION, KANNUR DISTRICT

PETITIONER(S)/ACCUSED:-

- 1. ANUPRASAD, AGED 33 YEARS,S/O.BHASKARAN,
VELLUVA PILAKKNADY, PUTHIYAVEETIL,
ERUVESY AMSOM DESOM, TALIPARAMBA TALUK,
KANNUR DISTRICT.**
- 2. BINNESH K.P., S/O.KRISHNAN, AGED 33 YEARS,
KIZHAKKE PURAYIL, ERUVESY AMSOM DESOM,
CHUNDAKKUNNU P.O., KANNUR DISTRICT.**

**BY ADVS.SRI.P.NARAYANAN
SRI.NICHOLAS JOSEPH**

RESPONDENT/COMPLAINANT:-

**STATE OF KERALA,
THROUGH STATION HOUSE OFFICER,
KUDIYANMALA POLICE STATION,
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 25-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B. KEMAL PASHA, J.

.....
B.A. No.1572 of 2015
.....

Dated this the 25th day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioners are A1 and A2 in Crime No.5/2013 of Kudiyanmala Police Station, Kannur District, registered for the offences punishable under Sections 447 and 427 read with Section 34 of the Indian Penal Code and Sections 3 and 5 of the Explosive Substances Act.

3. The allegation against the petitioners is that on 03.01.2013 at 00.30 a.m., they trespassed into the courtyard of the house of the de facto complainant and hurled bombs, thereby causing severe explosion, which has resulted in severe damage to the house, thereby causing a wrongful

loss of ₹60,000/- to the de facto complainant. The petitioners have been in custody for the period from 06.03.2015 onwards.

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

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioners. It has been reported that the petitioners are involved in two other cases also of similar nature occurred on the same day at different times. No other criminal antecedents have been reported against the petitioners. It seems that the investigation is practically over. The continued detention of the petitioners is not required for the continued investigation of this case. It seems that the de facto complainant has sustained a wrongful loss of ₹60,000/- on account of the alleged acts of the petitioners. Having regard to the period undergone by the petitioners in custody, the present stage of investigation, and the facts and circumstances of the case, I am of the view that the

petitioners can be enlarged on bail by making a provision for compensating the loss sustained to the de facto complainant.

6. In the result, this Bail Application is 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) Each of the petitioners shall deposit ₹30,000/- before the court below within 10 days from today. The said amount shall be kept in deposit till the disposal of the case, for compensating the de facto complainant for the loss, if any, sustained.

(ii) The petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 01.04.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(v) 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/25/03

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P.A. to Judge.