

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

Bail Appl..No. 1579 of 2015 ()

CRIME NO. 868/2014 OF KOLAVALLUR POLICE STATION, KANNUR DISTRICT

PETITIONER/ACCUSED :

**C.K.SURESH BABU
S/O.ANANDAN, AGED 38 YEARS
KALLACHERRY HOUSE, THRIPIANGOTTUR AMSOM
POYILOOR DESOM, NARIKKOTTUMALA P.O.,
THALASSERY TALUK, KANNUR DISTRICT.**

**BY ADVS.SRI.C.P.PEETHAMBARAN
SMT.MINI V.A.**

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.SUDHEENDRA KUMAR, J.

.....
B.A.No. 1579 of 2015
.....

Dated this the 25th day of June, 2015

ORDER

The petitioner is the sole accused in Crime No.868 of 2014 of Kolavallur Police Station, Kannur, registered under Sections 4 and 5 of Explosive Substances Act.

2. The prosecution allegation is that on 28.10.2014 at about 12 Noon, the petitioner was found in possession of explosive substances for the purpose of mining of a quarry at Pathikkal.

3. The petitioner has filed this application under Section 438 of the Code of Criminal Procedure.

4. Heard.

5. The learned Public Prosecutor has opposed the application. However, it has been submitted by the learned Public Prosecutor that the petitioner is not involved in any other offence of similar nature. It appears that there is no allegation that the petitioner possessed the above explosive substances for any purpose other than for mining the quarry. Considering the facts and circumstances of the case, including the fact that the petitioner is a first time offender, I am inclined to grant the relief under Section 438 Cr.P.C. in favour of the petitioner.

In the result, this bail 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.868 of 2014 of Kolavallur Police Station on condition of the petitioner executing a bond for Rs.20,000/- (Rupees Twenty thousand only) with two solvent sureties, each for the like sum to the satisfaction of the SHO, Kolavallur 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 six months or till the filing of the final report, whichever is earlier.
- 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 during the pendency of this case.

Sd/-
B.SUDHEENDRA KUMAR
JUDGE

AMV/26/06/

/TRUE COPY/

P.A.TO JUDGE

