

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

Bail Appl..No. 1765 of 2015 ()

CRIME NO. 339/2015 OF ALATHUR POLICE STATION, PALAKKAD

APPLICANT/ACCUSED NO.2 :

**VIJAYAN, AGED 58 YEARS
S/O.RAJAN, ANCHUMURI HOUSE, CHITTALI POST
KUZHALMANNAM, ALATHUR TALUK, PALAKKAD DISTRICT.**

**BY SENIOR ADVOCATE SRI.P.VIJAYA BHANU
BY ADVS.SRI.M.REVIKRISHNAN
SRI.VIPIN NARAYAN**

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07-04-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B. KEMAL PASHA, J.

.....
B.A. No.1765 of 2015
.....

Dated this the 7th day of April, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the second accused in Crime No.339/2015 of Alathur Police Station registered for the offences punishable under Sections 5 and 6 of the Explosive Substances Act, 1908 and Sections 4(1) and 21 (1) of the Mines and Minerals (Development and Regulation) Act, 1957.

3. The 1st accused has got a quarry at Vettukad in Thenkurussi II village. It is alleged that the petitioner is supervising the works in the quarry. The allegation is that under the supervision of the petitioner, quarrying works were being conducted at the quarry by the illegal use of gelatin sticks, detonators, etc. which are explosive substances. A3 to A5 were found blasting rocks in the quarry by making use

of such explosive substances and consequently, they were arrested on 10.03.2015.

4. Heard learned Senior Counsel for the petitioner and learned Public Prosecutor.

5. The quarry is being conducted by the 1st accused. The petitioner is allegedly supervising the works in the quarry. There is no allegation that he has made use of any explosive substances. When the petitioner was only a supervisor in the quarry, and especially when no criminal antecedents have been reported against him, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like

sum to the satisfaction of the officer conducting arrest, and
subject to the following terms and conditions:-

(i) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays commencing from 14.04.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The petitioner 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/07/04

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PA to Judge