

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 12TH DAY OF MAY 2015/22ND VAISAKHA, 1937

Bail Appl..No. 2541 of 2015 ()

CRIME NO. 413/2015 OF SREEKARIYAM POLICE STATION , THIRUVANANDAPURAM

PETITIONER(S)/ACCUSED 1 AND 2:

1. SATHEESAN AGED 55 YEARS
S/O.BABY, UDAYA BHAVAN, PATHIRAPALLY
KUDAPPANAKUNNU, THIRUVANANTHAPURAM.

2. R.MADHU AGED 51 YEARS
D/O.RAGHAVAN NADAR, ASHWIN NIVAS, VENGODE P.O.
THIRUVANANTHAPURAM.

BY ADVS.SRI.SUMAN CHAKRAVARTHY
SMT.K.R.RIJA

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

BY PUBLIC PROSECUTOR SRI.LALIZA T.V.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
12-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.ABRAHAM MATHEW, J

B.A.No.2541 of 2015

Dated this the 12th May, 2015

ORDER

Petitioners are alleged to have committed offence under Section 4(A) of the Explosive Substance Act read with Section 34 IPC. The allegation is that the petitioners were found to be in possession of a white powder, which is said to be an explosive substance. Learned counsel for the petitioners submits that one of the petitioners is a licensee of a quarry and the powder seized by the Police is an expansive compound and not an explosive substance.

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

3. The case diary does not reveal the name of the explosive substance. A mere allegation that the powder is an explosive substance is not a ground to believe that it is an explosive substance. So, I am inclined to grant the prayer of the petitioners.

In the result, this application is allowed on the following conditions:

- i) The petitioners shall be released on bail after interrogation on their executing bond for ₹25,000/- each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.
- ii) They shall appear before the Investigating Officer for interrogation if they are so required by the Investigating Officer in writing.
- iii) They shall not destroy or tamper with evidence.
- iv) In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

**K.ABRAHAM MATHEW
JUDGE**

vgs12/5/15