

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

Bail Appl..No. 5137 of 2015 ()

CRIME NO. 1003/2015 OF POOYAPALLY POLICE STATION, KOLLAM DISTRICT

PETITIONERS :

- 1. DINESH, AGED 55 YEARS,
S/O.GOVINDAN, CHEPRA VEEDU, NEDUMANKAVU MURI,
KAREEPRA VILLAGE, KOLLAM.**
- 2. NISAR, AGED 44 YEARS,
S/O.HANEEFA KUNJU, CHARUVILA PUTHEN VEETIL,
ALIMUKKU, PADINJAINKARA, VELIYAM, KOLLAM.**

**BY ADVS.SRI.V.JAYAPRADEEP
SRI.V.JAYADHAR**

RESPONDENT :

**STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE POYAPPALLI
THROUGH BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT. T.Y. LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A. HARIPRASAD, J.

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B.A.No. 5137 of 2015

Dated this the 2nd day of September, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No. 1003 of 2015 of Pooyappally Police Station, registered for the offences punishable under Section 304 of the Indian Penal Code and Section 3 of the Explosive Substance Act.

3. Heard both sides.

4. Learned counsel for the petitioner submitted that the petitioner is no way conducted with the quarry in operation and he has never conducted any quarry as alleged by the prosecution.

5. According to the learned Public Prosecutor, the materials in the case diary would show that the petitioner was operating a quarry by the side of a licensed quarry conducted by another person. It is the prosecution case that by an unlawful explosion conducted in the quarry run by the petitioner a piece of rock fell on an employee working in the licensed quarry and he succumbed to the injuries. It is also the prosecution case that the petitioner was using explosive substance without any licence

under the relevant laws. Considering the nature of allegations and the stage of investigation, I am of the view that following order can be passed.

The petitioners shall surrender before the Investigating Officer within a period of two weeks and submit themselves for interrogation. In that event, the petitioners shall be produced after interrogation, before the Magistrate having jurisdiction on the date of surrender itself. If that be so, the petitioner can move for bail before the court having jurisdiction and the learned Magistrate shall consider the application on merits as expeditiously as possible.

Sd/-

**A. HARIPRASAD,
JUDGE**

DST

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P.A. To Judge