

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Bail Appl..No. 5703 of 2015 ()

CRIME NO. 296/2014 OF MATTANNUR POLICE STATION, KANNUR DISTRICT.

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PETITIONER/4TH ACCUSED:

**AJAYAN P., AGED 34 YEARS,
S/O LATE MAVILA KUNHIRAMAN NAMBIAR,
THANAL, KUZHIKKAL, KAYANI,
MATTANNUR, KANNUR DISTRICT.**

**BY ADVS.SRI.K.SIJU,
SMT.S.SEETHA.**

RESPONDENT:

**STATE OF KERALA,
THROUGH THE S.I. OF POLICE,
MATTANNUR POLICE STATION,
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 15-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

RAJA VIJAYARAGHAVAN.V. J

B.A.5703/2015

Dated 15th October, 2015

ORDER

- 1.This petition is filed u/s 438 of the Code of Criminal Procedure.
- 2.The petitioner is the 4th accused in crime No.296 of 2014 of Mattannur police station. The said crime was registered on 16.3.2014 alleging offence punishable u/s 143, 147, 148, 452, 506(ii), r/w S.149 and S.3 and 5 of the Explosive Substances Act.
- 3.The prosecution allegation is that on 16.3.2014 at about 11.45 hours, accused Nos.1 to 3 who are named in the FIR along with 25 other persons who could be identifiable by sight, formed themselves into an unlawful assembly and in furtherance of their common object, trespassed into the home of the informant and hurled a bomb and created a terrorizing situation.

4.I have heard the learned counsel appearing for the petitioner and the learned Public Prosecutor.

5.The learned counsel appearing for the petitioner submitted that as per the earliest records, the name of the petitioner was not mentioned. It is further submitted that crime was registered as early as on 16.3.2014 and therefore custodial interrogation of the petitioners is not warranted.

6.Per contra, the learned Public Prosecutor has submitted that, bombs and other explosives were used by the named accused and unidentifiable persons and later, the role played by the petitioner also came to light during investigation.

7.I have gone through the case diary handed over for perusal and have evaluated the facts and

circumstances. The name of the petitioner is not mentioned in the earliest records and he has been implicated later as one of the persons who had assembled along with the principal accused. In view of the fact that the offence was committed more than a year back and in view of the fact that the investigation has reached the final stage, I am of the considered view that custodial interrogation of the petitioner is not warranted. I am of the considered view that anticipatory bail can be granted to the petitioner by imposing appropriate conditions.

8. In the result, this application is allowed, but subject to the following conditions:

- i). The petitioner shall be released on bail after interrogation on his executing a bond for 25,000/- with two solvent sureties each for the like sum if he is arrested by the police in connection with this case.

ii). The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the court or to any police officer.

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

iv). The petitioner shall not influence or intimidate the prosecution witnesses or attempt to tamper with the evidence for the prosecution.

v). The petitioner shall not commit any similar offence while on bail.

vi). The petitioner shall not leave India without the previous permission of the jurisdictional magistrate.

vii). In case of violation of any of the

above conditions, the jurisdictional magistrate shall be empowered to cancel the bail in accordance with law.
This application is allowed as above.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True copy//

P.S. To Judge