

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

Bail Appl..No. 5735 of 2015

CRIME NO. 803/2015 OF SREEKANDAPURAM POLICE STATION, KANNUR
.....

PETITIONER(S)/ACCUSED NO.3:

**BABY ALIAS PHILIP ETTIKKAL, AGED 53 YEARS,
S/O.CHANDY, RESIDING AT PAYATTIYAL,
NEDIYENGA AMSOM CHEPARAMBA DESOM,
TALIPARAMBA TALUK, KANNUR DISTRICT, P.O.CHEMPERI,
PIN - 670 632.**

BY ADV. SRI.R.SURENDRAN

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A. No.5735 of 2015

Dated this the 30th day of September, 2015

ORDER

Petitioner, who is the third accused in Crime No.803 of 2015 of Sreekandapuram Police Station registered for offences punishable under Sections 4 and 5 of the Explosive Substances Act, seeks pre-arrest bail under Section 438 of the Code of Criminal Procedure.

2. Prosecution case is that on 18.08.2015, while Sreekandapuram Police was on patrolling duty, they got a secret information that two persons were carrying explosive substances had gone to the quarry of the petitioner. On the basis of the information, the Police conducted a search and found out two persons carrying plastic bags of explosive substances.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. Learned counsel submitted that the petitioner has no connection with the explosive substances and recovery was not from his premises. Learned Prosecutor opposed the bail application. The materials in the case diary especially the seizure mahazar and the other materials show that the accused persons were found in possession of the

contraband article from the quarry said to have been run by the petitioner. The total disconnect pleaded by the petitioner is not prima facie acceptable. Therefore, I find no reason to grant pre-arrest bail to the petitioner.

Bail application is dismissed.

A. HARIPRASAD, JUDGE.

cks