

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937**

**Bail Appl..No. 6593 of 2015 ()**  
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**CRIME NO. 803/2015 OF SREEKANDAPURAM POLICE STATION, KANNUR DISTRICT.**

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**PETITIONER/ACCUSED NO.3:**  
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**BABY @ PHILIP ETTIKKAL, S/O.CHANDY,  
AGED 53 YEARS, RESIDING AT PAYATTIYAL,  
NEDIYENGA, TALIPARAMBA TALUK,  
P.O. CHEMPERI, PIN-670 632, KANNUR DISTRICT.**

**BY ADVS.SRI.K.R.AVINASH (KUNNATH),  
SRI.ABDUL RAOOF PALLIPATH.**

**RESPONDENTS/COMPLAINANT & STATE:**  
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- 1. THE STATION HOUSE OFFICER,  
SREEKANDAPURAM POLICE STATION,  
KANNUR- 670 631.**
- 2. THE STATE OF KERALA,  
REPRESENTED BY 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 02-12-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**rs.**

**A. HARIPRASAD, J.**

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**Bail Appl. No.6593 of 2015**  
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**Dated this the 2<sup>nd</sup> day of December 2015**

**ORDER**

Bail application filed under Sec.438 Cr.P.C.

2. Petitioner is the 3<sup>rd</sup> accused in Crime No.803 of 2015 of Sreekandapuram Police station registered for the offences punishable under Secs.4 and 5 of the Explosive Substance Act.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor. His earlier bail application was rejected by this Court.

3. Learned counsel for the petitioner submitted that there is a change in the circumstances. According to him, another man is the owner of the land where the quarry is functioning is now revealed.

4. I have carefully gone through the materials in the case diary. There are enough materials to prima facie indicate that the petitioner was conducting the quarry in the premises and the contraband article was carried to his quarry. Considering the nature of

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allegations, I do not find any reason to grant pre arrest  
bail to the petitioner.

In the result, the bail application is dismissed.

Sd/-  
**A. HARIPRASAD**  
**JUDGE**

/ True Copy /

NS/02/12/2015

P.A. To Judge