

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

Bail Appl..No. 6682 of 2015 ()

CRIME NO. 1362/2015 OF PEECHI POLICE STATION, THRISSUR DISTRICT

PETITIONER/ACCUSED NOS.1 & 2 :

- 1. SURESH K., AGED 46 YEARS
S/O.KARPPUSWAMY KOUNDER,
KOPPAM HOUSE, P.K.CHALLA
EDUPUKULAM P.O., PALAKKAD**
- 2. PRABHU, AGED 37 YEARS
S/O.RAMANKUTTY, PREETHI NIVAS,
AYYAMKULAM DESOM, KANCHIKODE,
PALAKKAD.**

**BY ADVS.SRI.C.RAJENDRAN
SRI.K.R.RANJITH**

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A.No.6682 of 2015

Dated this the 29th day of October, 2015

ORDER

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioners are the accused in Crime No.1362 of 2015 of Peechi Police Station registered for the offences punishable under Sections 9(B)(1)(b) of the Explosive Act and Section 5(a) of the Explosive Substance Act.

3. Prosecution allegation is that on 04.09.2015 at about 23.45 hours, the petitioners and other accused were found transporting explosive substances in a lorry without having any valid licence. The petitioners were arrested from the spot and ever since they have been in custody.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that the offences alleged against them are not attracted going by the nature of the allegations. Further, the petitioners are causal workers and they have no connection with transportation of the alleged contraband.

6. Learned Public Prosecutor opposed the bail

application contending that the 6th accused is yet to be arrested. Investigation insofar as these petitioners are concerned has advanced to a considerable extent.

7. Considering the nature of allegations, stage of investigation and the period of detention, I am inclined to grant bail to the petitioners with the following conditions:

- (a) The petitioners shall be released on bail on their executing a bond for ₹50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned magistrate having jurisdiction.
- (b) The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
- (c) The petitioners shall appear before the Investigating Officer on all Mondays and

Saturdays between 10.00 a.m and 11.00 a.m.
until the final report is filed.

- (d) The petitioners shall not intimidate or attempt to influence the witnesses.
- (e) The petitioners shall not in any manner interfere or meddle with the investigation.
- (f) The petitioners shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge