

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

Bail Appl..No. 7297 of 2015 ()

CRIME NO. 841/2015 OF VARANTHARAPPILLY POLICE STATION.

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PETITIONER/1ST ACCUSED:

**MADHAVAN, AGED 70 YEARS,
S/O.KESAVAN, ALAPPATT KUNNEL HOUSE,
MUTTITHADI P.O., THRIKKUR, CHALAKUDY TALUK,
THRISSUR DISTRICT.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR),
SRI.N.L.BITTO.**

STATE OF KERALA/COMPLAINANT:

**THE STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
VARANTHARAPPILLY POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.TY. LALIZA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A.No.7297 of 2015

Dated this the 26th day of November, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.841 of 2015 of Varantharappilly Police Station registered for the offences punishable under Section 304 of the Indian Penal Code and Section 9(B)(1)(B) of the Explosive Act.

3. Prosecution case is that the petitioner is the owner of a land, wherein quarrying operation is being conducted without any permission or licence. A person by name Ravi fell into quarry on 11.11.2015 at about 04.00 p.m., and lost his life. The quarry is in such a condition that it has no protective measure to prevent persons falling into it.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the petitioner has no connection with the quarry. He

has permitted another person to conduct the quarry on the belief that the other person was having a proper licence. Later, it is understood that the other man was having no licence at that time. This submission is prima facie unacceptable as he admits the ownership over the land. Further, a human being lost life is also an undisputed fact. It is also submitted that the petitioner is 70 year old person and he is having acute ailments.

6. Considering the nature of the allegations, I am not inclined to grant pre-arrest bail to the petitioner.

The petitioner shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit himself for interrogation. The Investigating Officer shall produce him before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the petitioner is free to move for bail before the learned Magistrate and in that event, the learned Magistrate may

consider the application on merits if possible
on the date of surrender itself.

The petitioner does not comply with the direction,
the Police is free to arrest him.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. To Judge