

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

Bail Appl..No. 7315 of 2015

CRIME NO. 841/2015 OF VARANTHARAPPILLY POLICE STATION, THRISSUR
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PETITIONER(S)/ACCUSED 3 & 4:

- 1. SUNILAN, AGED 48 YEARS,
S/O.SUNDARAN, THANDASSERY HOUSE, PACHALIPURAM DESOM,
AMBALLUR VILLAGE, THRISSUR DISTRICT.**
- 2. SANTHOSH @ GIREESH, AGED 40 YEARS,
S/O.NARAYANAN, MANGARA HOUSE, PONNUKARA DESAM,
THRIKKUR VILLAGE, THRISSUR DISTRICT.**

BY ADV. SRI.RAJIT

RESPONDENT(S):

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
23-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A. No.7315 of 2015

Dated this the 23rd day of November, 2015

ORDER

Application for bail under Section 439 of the Code of Criminal Procedure.

2. Petitioners are accused 3 and 4 in Crime No.841 of 2015 of Varantharappilly Police Station registered for offences punishable under Section 304 of the Indian Penal Code and Section 6 of the Explosive Substances Act. They seek bail.

3. Prosecution case, in short, is that on 11.11.2015 at 4.00 p.m., a person working in a granite quarry fell into the quarry and sustained grievous injuries. Thereafter he succumbed to the injuries. Prosecution alleged that the petitioners and accused 1 and 2 were illegally conducting the quarry by using explosives without any authority. Petitioners were arrested on 12.11.2015.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that Section 304 of the Indian Penal Code is not attracted for the reason that there is no case that the petitioners committed culpable homicide not amounting to murder by any means. Further no explosive substance was recovered by the Police.

Considering the nature of allegations and the fact that the

petitioners are in custody from 12.11.2015 onwards, bail is granted to the petitioners with following conditions:

i. Petitioners shall be released on bail on each one of them executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.

ii. The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioners shall appear before the Investigating Officer on all Mondays and Thursdays between 9.00 and 10.00 a.m until final report is filed.

iv. They shall not indulge in any offence while on bail.

vi. They shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioners, the lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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