

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

Bail Appl..No. 7407 of 2015 ()

CRIME NO. 447/2001 OF KOLLAM EAST POLICE STATION , KOLLAM DISTRICT

PETITIONER/3RD ACCUSED :

**SUNIL KUMAR
S/O.PAVITHRAN, AGED 22 YEARS, BIJU BHAVAN, PALAMUKKU
VETTIKKAVALA, KOTTARAKKARA, KOLLAM DISTRICT
FROM KALEEKKAL THEKKETHIL, MUNDAKKAL, KOLLAM.**

BY ADV. SRI.B.MOHAN LAL

RESPONDENT/COMPLAINANT :

**STATE
REPRESENTED BY THE STATION HOUSE OFFICER
KOLLAM EAST POLICE STATION, KOLLAM DISTRICT
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A No.7407 of 2015

Dated this the 25th day of November, 2015.

ORDER

Application for bail under Section 439 Cr.P.C.

2. Petitioner is the third accused in Crime No.447 of 2001 of Kollam East Police Station registered for an offence punishable under Section 5 of the Explosive Substance Act. The matter is now pending in S.C No.501/2007 before the VIth Additional Sessions Court, Kollam.

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

4. Prosecution case, in short, is that after taking bail the accused abstained from court and the trial court issued notice to the sureties and imposed penalty on them. Nonailable warrants were issued to the accused and his presence was secured by arrest on 27-10-2015.

5. Learned counsel for the petitioner submitted that he is a worker in F.C.I go down. Since the matter was adjourned

for the absence of a Presiding Officer in the court, he lost track of the case and his abstinence was not intentional. However, the long abstinence shows the callousness on the part of the petitioner. He is in custody from 27-10-2015 onwards. Considering the nature of allegations, I find that bail can be granted to the petitioner with following strict conditions :

1. The petitioner shall be released on bail on executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Additional Sessions Judge having jurisdiction.
2. The sureties shall produce documents to establish their identity and solvency. The learned Additional Sessions Judge need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. The petitioner shall appear before the court without fail on all posting dates.

4. The petitioner shall not indulge in any offence while on bail.
5. The petitioner 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 petitioner, the learned Additional Sessions Judge is free to cancel bail without referring the matter to this Court.

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

amk

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P.A to Judge