

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

Bail Appl..No. 7796 of 2015

CRIME NO. 458/2015 OF KARIKOTTAKARI POLICE STATION, THRISSUR
.....

PETITIONER(S)/ACCUSED NO.1 AND 2:

- 1. K. SREEJITH, AGED 37 YEARS,
S/O. PARAMESWARAN, KOTARATHIL HOUSE, THILANKERI P.O.,
IRITTY TALUK, KANNUR DISTRICT.**
- 2. SHIBU, AGED 30 YEARS,
S/O. KRISHNAN, HUSUR VILLAGE, HUNSOOR,
MYSORE DISTRICT, KARNATAKA STATE.**

BY ADV. SRI.V.BINOY RAM

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
11-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A. No.7796 of 2015

Dated this the 11th day of December, 2015

ORDER

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

2. Accused 1 and 2 in Crime No.458 of 2015 of Karikkottakari Police Station registered for an offence punishable under Section 5 of the Explosive Substances Act, 1908 are the petitioners. They seek bail.

3. Prosecution contends that on 05.11.2015 at 17.30 hours, the Sub Inspector of Police, Karikkottakari found the second accused driving a vehicle and in which the first accused was travelling. The vehicle was intercepted and on examination, it was found that 1500 electric detonators and 40 kgs. of ammonium nitrate had been kept in that vehicle. They possessed the explosive substances without any authority. Hence they were arrested.

4. Heard both sides.

5. Learned Prosecutor opposed the bail application. She contended that the first accused is involved in a similar crime earlier and he is on bail and the second accused is not involved in any other case. Petitioners are in custody from 05.11.2015 onwards.

Considering the nature of allegations against the first petitioner (first accused) and his previous involvement, I am not inclined to grant bail to him. His application will stand dismissed. Second petitioner (second accused) is not involved in any other case. Therefore, bail is granted to him with following conditions:

- i. Second petitioner shall be released on bail on 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. Second petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m until final report is filed.
- iv. He shall not indulge in any offence while on bail.
- v. He 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

second petitioner, the lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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