

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 20TH DAY OF JANUARY 2014/30TH POUSHA, 1935

Bail Appl..No. 7740 of 2014 ()

CRIME NO. 392/2014 OF NARUVAMOODU POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/ACCUSED :

**VIJAYARAJAN B.M., AGED 46 YEARS,
S/O. B.K. MADHAVAN, R.P.S. NO. 67, MARUKIL DESOM,
PALLICHAL VILLAGE, NEYYATTINKARA TALUK,
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN**

RESPONDENTS/STATE :

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN-682031.
ERNAKULAM(CRIME NO. 392/2014 OF
NARUVAMOODU POLICE STATION
THIRUVANANTHAPURAM DISTRICT.)**
- 2. STATION HOUSE OFFICER, NARUVAMOODU POLICE STATION,
THIRUVANANTHAPURAM
(CRIME NO. 392/2014 OF NARUVAMOODU POLICE STATION
THIRUVANANTHAPURAM DISTRICT. PIN-695004.**

BY PUBLIC PROSECUTOR SMT. BINDHU GOPINATH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20-01-2014, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B. KEMAL PASHA, J.

.....
B.A. No.7740 of 2014
.....

Dated this the 20th day of January, 2015

O R D E R

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Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.392/2014 of the Naruvamoodu Police Station, Thiruvananthapuram district, registered for the offences punishable under Sections 447, 427, 286 and 379 IPC and Sections 4 and 5 of the Explosive Substances Act.

3. It is alleged that the *defacto complainant* has taken on lease one acre of property belongs to the petitioner for the purpose of constructing a shed for keeping explosive substances for which the *defacto complainant* had licence. While so, it is alleged that on 26.07.2014, the petitioner directed the *defacto complainant* to vacate from the property as the local residents nearby had raised a hue and cry with

regard to the keeping of huge quantity of explosives in the property. The *defacto complainant* was not ready and willing to vacate the property. It is alleged that the petitioner committed trespass into the property some time in between 4 p.m. on 06.10.2014 and 9 a.m. on 08.10.2014, demolished the shed and committed theft of 549 metres of fuse wire and 100 numbers of Detonators kept in the shed.

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

5. It has come out that there are other civil litigations pending between the parties. Even though the *defacto complainant* had approached the civil court seeking of an order of temporary injunction, that has not been granted. The contents of the CD reveal that the investigating officer could recover the 549 metres of fuse wire and 100 numbers of Detonators allegedly stolen away, from a ditch in the nearby property. There is nothing to be recovered from the possession of the petitioner. It seems that the investigation

of this case is practically over. On going through the contents of the CD and the present stage of investigation, I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays commencing from 27.01.2015 for a period of three months or till the filing of the final report in this case, whichever is

earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/20/01

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PA to Judge