

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

Bail Appl..No. 8157 of 2015

**CRIME NO. 693/2015 OF KILIMANOOR POLICE STATION,
THIRUVANANTHAPURAM**

PETITIONER(S)/ACCUSED:

- 1. MURALEEDHARAN,
S/O.VASUDEVAN, THANNIMOOTTIL, CHINGELI,
KADAKKAL VILLAGE, KOLLAM DISTRICT.**
- 2. CHAJI KUMAR,
S/O.PEETHAMBARAN, DEVANANDANAM, PULLIPPARA,
CHINGELI, KADAKKAL VILLAGE, KOLLAM DISTRICT.**

BY ADV. SRI.C.UNNIKRISHNAN (KOLLAM)

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. THE STATION HOUSE OFFICER,
KILIMANOOR POLICE STATION-695038.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A. No.8157 of 2015

Dated this the 21st day of December, 2015

ORDER

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

2. Petitioners are accused 1 and 2 in Crime No.693 of 2015 of Kilimanoor Police Station registered for offences punishable under Sections 9(B)(1)(b) and 3(a) of the Explosive Substances Act and Section 34 of the Indian Penal Code. They seek bail.

3. Allegation is that on 10.05.2015 the accused persons without the knowledge of the defacto complainant used explosive substances and done quarrying operation from premises out side the area covered by the licence.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that the defacto complainant is also a director of the company wherein one among the petitioners is the managing director and the other is a director. There are disputes between the defacto complainant and accused persons. It is also contended that as per Annexure-A2, the defacto complainant filed a suit for partition of the premises where the quarrying operation is being conducted.

According to the learned counsel for the petitioners, the company represented by the accused have all the licences for conducting quarrying operations.

6. Learned Prosecutor opposed the bail application. It is submitted that the attempt of petitioners was to conduct a granite quarry outside the licensed premises.

Considering the nature of allegations and the fact that petitioners are in custody from 12.12.2015 onwards, I am of the view that bail can be granted to the petitioners with following conditions:

i. Petitioners shall be released on bail on each one of them executing a bond for ₹1,00,000/- (Rupees one lakh 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 Saturdays between 10.00 and 11.00 a.m until final report is filed.

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

v. 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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