

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

Bail Appl..No. 9000 of 2014 ()

CRIME NO. 1666/2014 OF NEMOM POLICE STATION, THIRUVANANTHAPURAM

PETITIONERS/ACCUSED:

1. MAHESH N., AGED 32 YEARS,
S/O. NATARAJAN, VASANTHA BHAVAN, THENNOOR,
SANTHIVILA, NEMOM, THIRUVANANTHAPURAM.
2. RAMESH N., AGED 30 YEARS,
S/O. NATARAJAN, OF -DO- -DO-.

**BY ADVS.SRI.BLAZE K.JOSE
SRI.RAHUL SASI
SMT.NEETHU PREM
SRI.SAJIN JOSEPH**

RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, PIN -682 031.
2. SUB INSPECTOR OF POLICE,
NEMOM POLICE STATION, PIN-695 116.

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B. KEMAL PASHA, J.

.....
B.A. No.9000 of 2014
.....

Dated this the 21st day of January, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 and 2 in Crime No.1666/2014 of Nemom Police Station registered for the offences punishable under Section 9B(1)(b) of the Explosive Substances Act, Section 4(1)(a) of the LPG Regulation of Supply and Distribution Order, 2000 and Section 3(d) of the Essential Commodities Act, 1955.

3. The allegation against the petitioners is that, they were found keeping in their possession in a temporary shed in the courtyard of their house, 9 empty gas cylinders of Super Gas, 4 empty gas cylinders of Total Gas and 6 other empty gas cylinders along with a filling machine connected with a motor and the same were seized at 10 a.m. on 20.09.2014.

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

5. The contents of the CD do not show that any explosive substance was seized from the possession of the petitioners. Therefore, an offence under Section 9B(1)(b) cannot be attracted. Similarly, it does not, in fact, attract the provisions of offences under the Essential Commodities Act also. The other offences alleged against the petitioners are bailable. Considering all the above, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

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 petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them 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 petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 28.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.*

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

*(iii) The petitioners shall make themselves available for interrogation as and when required by the investigating officer.*

*(iv) The petitioners 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/21/01

*// True Copy //*

*PA to Judge*