

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

Bail Appl..No. 9119 of 2014

CRIME NO. 1321/2014 OF KUZHALMANNAM POLICE STATION , PALAKKAD

PETITIONER(S)/ACCUSED NO.2:

**RAVEENDRAN, AGED 50 YEARS
S/O. LAKSHMANAN, MUDIKUTHANPARA, KUTHANOR
ALATHUR TLAUK, PALAKKAD DISTRICT.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

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B.A. No. 9119 of 2014

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Dated this the 20th day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.1321 of 2014 of the Kuzhalmannam Police Station, registered for the offences punishable under Rule 113 read with Section 9 B (b) of the Explosive Act, 1884 and Section 5 of the Explosive Substances Act, 1908.

3. The allegation against the petitioner is that he had permitted the 1st accused to conduct blasting operation of rock, in a portion of his property, without any licence or authorization for keeping and using explosive substances.

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

5. The learned counsel for the petitioner has pointed out that the petitioner is the owner of the property in question and that he was compelled to give one Acre of property, out of his property, on lease, to the 1st accused with a specific instruction that he should make use of the property for blasting operations only on obtaining a proper licence. According to the learned counsel for the petitioner, even prior to obtaining licence, the 1st Accused, contrary to the instructions given by the petitioner, started blasting operation in the property, thereby a crime has been registered. It is also pointed out that it was due to utter financial stringency on account of the continued medical treatment of the daughter of the petitioner, that he was compelled to give on lease a portion of his property to the 1st accused.

6. The main overt acts are alleged against the 1st accused. The only allegation against the petitioner is that he is the owner of the property. Considering the facts and circumstances of the case and the submissions made by the

learned counsel for the petitioner, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

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 for the like sum each 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 09.00 a.m. and 11.00 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

DSV/20/1/15

/True copy/

P.A. to Judge