

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

Bail Appl..No. 9133 of 2014

CRIME NO. 920/2014 OF PERINGOME POLICE STATION , KANNUR

PETITIONER/ACCUSED NO.2:

AJESH KUMAR.P.P., AGED 40 YEARS
S/O KARUNAKARAN, PUTHIYAPURAYIL, PERINTHYATTA
MAPPADICHAL, PO. PORAKKUNNU, PIN:670 306.

BY ADV. SRI.M.V.AMARESAN

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN:682031.

R BY PUBLIC PROSECUTOR, SMT.LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
14-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

B.A.No.9133 of 2014

Dated this the 14th day of January 2015

ORDER

Petition filed under Section 438 of Code of Criminal Procedure.

2. The petitioner is the second accused in Crime No.920/2014 of Peringome Police station, Kannur district registered for the offences punishable under Sections 4 of the Explosive Substances Act and 4(1) read with 21 of Mines and Minerals (Development & Regulation) Act, 1957 .

3. On getting reliable information that explosive substances were stored in a quarry being conducted by the petitioner, the police party went for a search at 9.30 a.m., on 19.12.2014 at the quarry. They could see accused No.1 employee of the quarry, in possession of explosive substances like 13 numbers of gelatin

sticks and 2 numbers of detonators. The first accused was arrested.

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

5. Even though the learned counsel for the petitioner has pointed out that there is no evidence to show that the petitioner is conducting the quarry, the investigation has revealed that the petitioner was conducting the quarry, without any license. This is not a fit case wherein anticipatory bail can be granted, as the allegations against the petitioner are very grave and serious.

6. The learned counsel for the petitioner seeks for an opportunity to the petitioner to surrender before the investigating officer and to co-operate with the investigation.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect

recovery if any, and conduct the investigation and produce the petitioner without delay before the concerned Judicial First Class Magistrate's Court, where the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

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PA to Judge