

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 30TH NOVEMBER 2011 / 9TH AGRAHAYANA 1933

Bail Appl..No. 9791 of 2011()

CMP.8980/2011 of J.M.F.C.-I,TRIVANDRUM
CRIME NO.1056/2011 OF SREEKARIYAM POLICE STATION
THIRUVANANTHAPURAM DISTRICT
.....

PETITIONERS/ACCUSED:

1. SATHEESAN, S/O.BABY, UDAYA BHAVAN
PATHIRAPALLY, KUDAPPANAKUNNU,
THIRUVANANTHAPURAM.
2. JOHNSON GOMAS, S/O.MICKLE GOMAS,
EADAS VEEDU, THAZHE CHITTAZHA,
VATTAPARA, THIRUVANANTHAPURAM.

BY ADV. SRI.SUMAN CHAKRAVARTHY
SMT.K.R.RIJA

RESPONDENT: COMPLAINANT:

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

PUBLIC PROSECUTOR SMT.R.REMA

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD
ON 30/11/2011, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.T.SANKARAN, J.

Bail Appln.No.9791 of 2011

Dated this the 30th day of November, 2011

ORDER

This is an application for bail under Section 439 of the Code of Criminal Procedure. The petitioners are accused Nos.1 and 2 in Crime No.1056 of 2011 of Sreekariyam Police Station, Thiruvananthapuram District.

2. The offence alleged against the petitioners is under Section 4(b) of the Explosive Substances Act read with Section 34 of the Indian Penal Code.

3. On 17/11/2011, on getting secret information, the police searched the quarry run by accused No.3. 152 numbers of detonators, 40 Kgs. of Potassium Nitrate, 3 bundles of fuse wires and 2 jackhammers were found. It is alleged that the accused persons do not have any valid permit or licence for keeping or using the explosive substances.

4. It is stated that the first petitioner is the Supervisor and the second petitioner is an employee in the quarry run by accused No.3.

5. The petitioners were arrested on 17/11/2011 and they were remanded to judicial custody.

6. The investigation is going on.

7. Taking into account the facts and circumstances of the case, the duration of the judicial custody undergone by the petitioners, the nature of the offence and the present stage of investigation, I am of the view that bail can be granted to the petitioners.

8. The petitioners shall be released on bail on their executing bond for ₹25,000/-(Rupees Twenty five thousand only) each with two solvent sureties for the like amount to the satisfaction of the Judicial Magistrate of the First Class-I, Thiruvananthapuram, subject to the following conditions:-

- A) The petitioners shall report before the investigating officer between 9 A.M. and 11 A.M. on all Mondays and Thursdays for a period of two months and thereafter on Mondays, till the final report is filed or until further orders;
- B) The petitioners shall appear before the investigating officer for interrogation as and when required;
- C) The petitioners shall not try to influence the prosecution witnesses or tamper with the evidence.

- D) The petitioners shall not commit any offence or indulge in any prejudicial activity while on bail.
- E) In case of breach of any of the conditions mentioned above, the bail shall be liable to be cancelled.

The Bail Application is allowed as above.

K.T.SANKARAN, JUDGE

skj