

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH

FRIDAY, THE 28TH DAY OF FEBRUARY 2014/9TH PHALGUNA, 1935

Bail Appl..No. 1433 of 2014 (D)

**[CRIME NO.1465/2013 OF ERNAKULAM TOWN NORTH POLICE STATION ,
ERNAKULAM DISTRICT]**
.....

PETITIONER/ACCUSED NO.5:

**LENIN SOMAN, AGED 31 YEARS,
S/O.SOMASEKHARAN NAIR, SURYA SOMA HOUSE,
NELLIKUZHY P.O., KOTHAMANGALAM.**

**BY SRI.M.R.RAJENDRAN NAIR, SENIOR ADVOCATE,
ADVS.SRI.K.NIRMALAN,
SRI. SOORAJ T.ELENTICKAL.**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
ERNAKULAM TOWN NORTH POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT,
ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT. LALIZA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-02-2014, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Prv.

THOMAS P. JOSEPH. J.

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Bail Application No.1433 of 2014

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Dated this the 28th February, 2014

ORDER

Petitioner is the 5th accused in Crime No.1465 of 2013 of the Ernakulam Town North police station for the offences punishable under Secs. 436, 427, 120B and 202 of the Penal Code and Sec.3(a) of the Explosives Substances Act, is in custody from 16.01.2014 and seeks bail.

2. Learned Public Prosecutor has opposed the application. It is submitted that on 21.12.2013 at about 07:30 p.m. The accused 1 and 2 threw country bomb in front of a flat complex where the de facto complainant is staying with intend to terrorise the de facto complainant and others. The petitioner is alleged to have conspired with the other accused. According to the prosecution, country bombs collected from Madurai were kept in a building of the petitioner at Kothamangalam.

3. Learned Senior counsel contends that the

allegations are not true. The petitioner is not in any way connected with the alleged incident or any of the accused.

4. Having regard to the role attributed to the petitioner and as he is in custody from 16.01.2014, I am inclined to grant relief but subject to conditions.

Application is allowed as under:

Petitioner is granted bail in Crime No.1465 of 2013 of the Ernakulam Town North police station and shall be released, if not required to be detained otherwise on his executing bond for Rs.25,000/- (Rupees Twenty five thousand only) with two sureties for the like sum each to the satisfaction of the jurisdictional magistrate and subject to the following conditions:-

- a) One of the sureties shall be a close relative of the petitioner.
- b) Petitioner shall report to the investigating officer on every Saturday between 10:00 a.m. and 12:00 p.m. until filing of the final report.
- c) Petitioner shall report to the investigating officer as and when required for investigation.

- d) Petitioner shall not intimidate/influence the witnesses.
- e) Petitioner shall not get involved in any offence during the period of this bail.
- f) It is made clear that in case any of condition Nos. (b) to (e) is violated, it is open to the Investigating Officer to seek cancellation of the bail granted hereby by moving application before the learned magistrate (until committal if any and thereafter before the learned Principal Sessions Judge as aforesaid) as held in **P.K. Shaji V. State of Kerala (AIR 2006 Supreme Court 100)**.

Sd/-

THOMAS P.JOSEPH, JUDGE

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P.A. to Judge

Smv