

Vibil Vs. State of Kerala

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Court : Kerala

Decided On : Jan-31-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Vibil

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN THURSDAY, THE 31ST DAY OF JANUARY 2013 11TH MAGHA 193 Bail Appl..No. 538 of 2013 (D) ----- [CRIME NO. 49/2013 OF VATAKARA POLICE STATION , KOZHIKODE] PETITIONER/IST ACCUSED: ----- VIBIL, AGED 3 YEARS, S/O.RAHULAN,SHOBA HOUSE,U S K ROAD, DHARMADAM AMSAM DESAM, THALASSERY,KOZHIKODE DISTRICT. BY ADVS.SRI.P.R.SREEJITH, SRI.M.PROMODH KUMAR. RESPONDENT/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM

031. BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31-01-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Prv. P.BHAVADASAN, J ----- B.A No. 538 of 2013

----- Dated this the 31st day of January, 2013

ORDER

The petitioner is the accused in Crime No.49/2013 of Vatakara Police Station for having committed offence punishable under Section 4 of the Explosive substances Act.

2. The petitioner would pointed out that he was an employee under a person who had license for storing explosives. As it is off season the repairing works carried out in the shop and explosives were temporarily shifted to the house of his sister.

3. The petitioner would say that he is innocent and seeks pre-arrest bail.

4. The learned Public Prosecutor opposed the petition pointing out that investigation is going on.

5. After having heard the learned counsel for the petitioner, the learned Public Prosecutor and after having perused the records it seems that there is substance in the claim made by the petitioner.

6. Considering the facts and circumstances, it is felt that B.A No. 538 of 2013 :

2. this is a fit case where extraordinary jurisdiction needs to be exercised in favour of the petitioner. Accordingly, the petition is allowed as follows: i) The petitioner shall surrender before the Investigating Officer on or before 7.2.2013, who after interrogation shall produce him before the JFCM concerned and on an application for bail being moved by the petitioner, the learned Magistrate shall release the petitioner on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two solvent sureties for the like sum each to the satisfaction of the said Court. ii) The learned Magistrate shall ensure the identity of the sureties and also the veracity of the tax receipts before granting bail. iii) The petitioner shall report before the Investigating Officer concerned on every Monday between 9 am to 10 am until further orders. iv) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witness. v) If any of the condition is violated, the bail granted shall stand cancelled and the JFCM concerned, on being satisfied of the said fact, may take such proceedings as are

available to him in law. P.BHAVADASAN Judge ab

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