

Vipln Vs. State of Kerala

Vipln Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1017783

Court : Kerala

Decided On : Jul-31-2013

Judge : Honourable Mr.Justice S.S.Satheesachandran

Appellant : Vipin

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE S.S.SATHEESACHANDRAN WEDNESDAY, THE 31ST DAY OF JULY 2013 9TH SRAVANA, 1935 Bail Appl..No. 2837 of 2013 () ----- CRIME NO. 75/2013 OF KOYILANDY POLICE STATION , KOZHIKODE ----- PETITIONER(S)/ACCUSED: ----- VIPIN, AGED 2 YEARS, S/O.LATE SREEDHARAN, MALAYIL HOUSE, CHEMANCHERY AMSOM, THUVVAKODE DESOM, KOYILANDY TALUK, KOZHIKODE DISTRICT. BY ADVS.SRI.R.SUDHISH SRI.M.G.ASHOKAN SMT.M.MANJU SRI.K.R.RANJITH RESPONDENT(S)/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031. BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31-07-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: PJ S.S.SATHEESACHANDRAN,J.

===== B.A. No. 2837 of 2013

===== Dated, this the 31st day of July, 2013 ORDER
Petitioner is the accused in Crime No.75/2013 of Koyilandy Police Station registered for the offences punishable under section 4 and 5 of the Explosive Substances Act, 1908. He has filed the above application seeking pre arrest bail under section 438 of Code of Criminal Procedure. Previously he had approached the Sessions Judge for the discretionary relief canvassed of which was turned down vide Annexure A1 order.

2. Allegation is that on a search conducted over the residential building of petitioner by a police party headed by Sub Inspector of B.A.2837/2013 2 Police, Koyilandy Police Station large quantity of gun powder and crackers stored unauthorisedly in that building was detected and seized. Crime registered over the seizure of contraband for offences stated supra is now under investigation. Learned counsel for petitioner advanced arguments to canvass a case that no offence under the Explosive Substances Act would lie even on the allegations imputed. At best only an offence under section 9B(2) of Explosive Substances Act, 1884 could be proceeded, is the submission of counsel.

3. Looking into the facts and circumstances presented in the case, I find that the above submission cannot be accepted. I refrain from dilating further on the challenge so canvassed to avoid any prejudice being caused to petitioner proceeded as accused in the crime.

4. Case Diary has been produced for my perusal. After hearing Public Prosecutor also, and looking B.A.2837/2013 3 into the materials collected so far in the investigation of crime, I find this is not a fit case where petitioner can be extended the relief of pre arrest bail. At this stage, learned counsel for petitioner requested for an opportunity to surrender before the investigating officer co- operate with the investigation, fixing date and time to do so by an order of this court. Considering the request made while declining pre- arrest bail following directions are issued. In case petitioner appear before the investigating officer at 9 a.m on 7.8.2013, after his interrogation, in the event of his arrest in the crime, he shall be produced before the magistrate without delay. On such production, application for bail, if

any, moved by petitioner with advance notice to Assistant Public Prosecutor, shall be considered by the magistrate expeditiously and disposed on its merits in accordance with law. B.A.2837/2013 4 Petition is disposed.
S.S.SATHEESACHANDRAN JUDGE tpl/-

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com