

(2017) 06 KL CK 0048

High Court Of Kerala

Case No: 3790 of 2017

NISAM

APPELLANT

Vs

THE STATE OF KERALA

RESPONDENT

Date of Decision: June 6, 2017

Acts Referred:

- Indian Penal Code, 1860, Section 34 - Acts done by several persons in furtherance of common intention
- Explosive Substances Act, 1908, Section 4(a) - Punishment for attempt

Hon'ble Judges: Sunil Thomas

Bench: SINGLE BENCH

Advocate: S.SHANAVAS KHAN, S.INDU, C M KAMAPPU

Final Decision: Allowed

Judgement

1. Petitioners are the accused in Crime No.666 of 2017 of Nooranadu Police Station for offence punishable under section 4(a) of the Explosive Substances Act r/w 34 of the Indian Penal Code .

2. According to the prosecution, on an allegation that food served by the de facto complainant was not of good quality, petitioners herein returned to the shop on 21.05.2017 at 10.30p.m. armed with petrol bomb and hurled it at the shop. It caused an explosion. Petitioners were arrested on 23.05.2017 and are in custody. They seek bail.

3. It seems that no physical injury was caused though some damages to the property are seen indicated. Petitioners have no criminal antecedents. The statement of the witnesses have been recorded. Having considered this, I am inclined to grant bail to the petitioners subject to the following conditions.

(i) Each of the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties for the like sum each to the satisfaction of the jurisdictional Court.

(ii) They shall appear before the Investigating Officer on all Thursdays between 9 a.m. and 10 a.m. for a period of two months from the date of their release.

(iii) They shall not threaten, coerce or intimidate the de facto complainant and the witnesses nor shall they interfere in the process of investigation.

(iv) They shall not get involved in any other identical offences.

The bail application is allowed as above.