

Kerala High Court

Anoop Kumar P. vs The S.H.O on 2 November, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Bail Appl..No. 6276 of 2009()

1. ANOOP KUMAR P.,S/O.MUKUNDAN P.,
... Petitioner

Vs

1. THE S.H.O.,
... Respondent

2. THE STATE OF KERALA,

For Petitioner :SRI.C.K.SREEJITH

For Respondent : No Appearance

The Hon'ble MR. Justice K.T.SANKARAN

Dated :02/11/2009

O R D E R

K.T. SANKARAN, J.

B.A. No. 6276 of 2009

Dated this the 2nd day of November, 2009

O R D E R

This is an application for anticipatory bail under Section 438 of the Code of Criminal Procedure. The petitioner is accused No.3 in Crime No.266/2009 of Valapattanam Police Station.

2. The offences alleged against the petitioner are under Section 27 of the Arms Act and Section 5 of the Explosive Substances Act.

3. The Police party conducted a search in the house belonging to accused No.2 and which was in the occupation of Accused No.3. On 30.04.2009 accused Nos. 1 and 2 were arrested. On search of the house, 62 Kgs of gun powder, 117 Kg of Sulphur, 44 Kgs of Aluminum powder, 250 Kgs of Potassium Chlorite and 149 explosive substances (referred to as goondus) were found in the house.

4. Accused No.3 apprehends arrest in connection with the crime and therefore, this application for Anticipatory Bail has been filed.

5. The offence alleged against the accused persons is very serious in nature. Custodial interrogation of the petitioner may be necessary. In the facts and circumstances of the case, if anticipatory bail is granted to the petitioner, it would adversely affect the proper and smooth investigation of the case. I am of the view that the petitioner is not entitled to the discretionary relief under Section 438 of the Code of Criminal Procedure.

For the aforesaid reasons, the bail application is dismissed.

K.T. SANKARAN, JUDGE In