

# VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

FRIDAY, THE 21<sup>ST</sup> DAY OF OCTOBER 2022 / 29TH ASWINA, 1944

BAIL APPL. NO. 7949 OF 2022

CRIME NO.721/2022 OF CANTONMENT POLICESTATION,

THIRUVANANTHAPURAM

PETITIONER/ACCUSED:

JITHIN @ KANNAN,AGED 31 YEARS  
S/O VINAYAKUMAR, KRISHNA VILASOM VEEDU,  
LAKSHAM VEEDU COLONY, NEAR MEENAKSHI TEMPLE,  
THUMB STATIONKADAVU, ATTIPRA DESOM, ATTIPRA VILLAGE  
NOW RESIING AT TC 98/3215 (RENTED HOUSE), NEAR SNDP  
SHAKHA MANDIRAM NO. 946, VSSC ROAD, MUKKOLAIKKAL,  
KULATHOOR, ATTIPRA DESOM, ATTIPRA VILLAGE,  
PIN - 695583

BY ADVS.

V.S.CHANDRASEKHARAN  
LEKSHMI SWAMINATHAN  
M.V.DAS, S.JAYAKUMAR  
SAJNA T.UMMER, SADIQALI.M  
C.A.SABITHA, SHAHIM BIN AZIZ

RESPONDENTS/STATE & COMPLAINANT:

- 1 STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, PIN - 682031
- 2 THE DEPUTY POLICE SUPERINTENDENT-I  
CRIME BRANCH, THEKKUMMODU, SASTHAMANGALAM P.O,  
THIRUVANANTHAPURAM - 695010

OTHER PRESENT:

PP - SMT. NIMA JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
21.10.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**VIJU ABRAHAM, J.**

.....  
**B.A.No. 7949 of 2022**  
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Dated this the 21<sup>st</sup> day of October, 2022

**ORDER**

This is an application for regular bail.

2. The petitioner is the 1<sup>st</sup> accused in Crime Branch Cr.117/CB/TVM/R/2022 (Crime No.721 of 2022 of Cantonment Police Station, Thiruvananthapuram District) registered under Sections 436, 427, 120 B of the Indian Penal Code and Sections 3(a) and 5(a) of Explosive Substance Act, 1908.

3. The allegation of the prosecution is that the accused with the intention to cause destruction to the building CPI(M) committee office in which the complainant was working as an office staff on 30.06.2022 at 11.20 p.m., at Kunnukuzhy side, committed mischief by throwing a bomb which is an explosive substance into the compound of the said building through a gate which was intended for the passage of vehicles and been missed the target, the substance hit on the pillar of the gate. The accused thereby alleged to have committed the abovesaid offences.

4. The petitioner was arrested on 22.09.2022 and is in custody since then. It is submitted by the learned counsel for the petitioner that

the entire allegations and averments contained in Annexure A1 FIR is absolutely false and incorrect. It is only a concocted story created by the police due to the instigation and influence of the ruling party. The petitioner never committed such offence as alleged by the police. The investigating agency is not having a consistent case in the various remand applications filed before the jurisdictional courts. These discrepancies itself will show the falsity of the allegations. Learned counsel for the petitioner would further submit that in order to attract the provisions of Section 3 of the Explosive Substances Act, 1908, the explosive substance allegedly used should be of a nature that would endanger the life or to cause serious injury to property. Such a situation is not present in this case and therefore relying on the judgment of this Court in **Manu G. Rajan and another v. State of Kerala, 2021 (6) KLT 227**, counsel for the petitioner contended that Section 3 of the said Act is not attracted. It is further submitted that the petitioner is in custody from 22.09.2022 and police custody was also granted. The investigation has progressed considerably, and therefore further detention of the petitioner is not required for the purpose of the investigation.

5. A detailed statement was filed by the learned Senior Public Prosecutor along with a memo dated 17.10.2022, seriously opposing the application for bail. The crime was originally registered at the Cantonment Police Station, Thiruvananthapuram District, later the

investigation was taken over by the Crime Branch. In the scientific investigation, it was found that the explosive material used to make the bomb is a banned chemical, ie., potassium chlorate. CCTV footage was collected and examined, and also various witnesses were questioned and statements were recorded. In the detailed investigation conducted including verification of electronic evidence like CCTV footage etc., the role of the petitioner is clearly revealed, and he was arrested on 22.09.2022. Police custody was also sought and was granted from 23.09.2022 to 26.09.2022, and while questioned in police custody, he confessed about his involvement in the alleged commission of the offence. The investigation further revealed that the criminal act was an outcome of a criminal conspiracy by the petitioner and other accused and therefore the other accused were arrayed as accused Nos. 2 to 4. Investigation revealed that accused Nos. 2 and 4 are absconding and the 3rd accused is presently abroad. It is further submitted that the petitioner is involved in other criminal cases registered at various police stations in Thiruvanthapuram District. The bail application was opposed mainly contending that the petitioner is the prime accused in the case, and if he is released on bail there is every chance for him to indulge in similar offences and to threaten and influence the witnesses.

6. I have considered the rival contentions. As per the prosecution case, the bomb was thrown to the State Committee office of

the ruling party which landed near the pillar of the gate and exploded. There is no allegation that anyone was injured in the alleged incident. The petitioner is in custody from 22.09.2022. The statement filed by the investigating agency would reveal that the investigation has progressed considerably and even police custody of the petitioner was given from 23.09.2022 to 26.09.2022, and the petitioner was questioned. In view of the fact that the petitioner is in custody from 23.09.2022, I am of the opinion that further detention of the petitioner is not required for the purpose of the investigation and I am inclined to grant bail to the petitioner. Taking note of the apprehensions raised by the learned public prosecutor and considering the criminal antecedents of the petitioner, the grant of bail shall only be on the following stringent conditions.

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

(ii) Petitioner shall appear before the investigating officer in Crime Branch Cr.117/CB/TVM/R/2022 (Crime No. 721 of 2022 of Cantonment Police Station, Thiruvananthapuram District), on every Saturday at 11.00 a.m. till filing of the charge sheet;

(iii) The petitioner shall not attempt to interfere with the investigation or to influence or intimidate any witness in Crime Branch Cr.117/CB/TVM/R/2022 (Crime No.721 of 2022 of Cantonment Police

Station, Thiruvananthapuram District);

(iv) The petitioner shall surrender his passport before the jurisdictional court. If the petitioner does not have a passport, he shall execute an affidavit to that effect and file the same before the said court within seven days of release on bail;

(v) The petitioner shall not leave the jurisdictional limits of Thiruvananthapuram District except with the prior permission of the jurisdictional court.

(vi) The petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the investigating officer in Crime Branch Cr.117/CB/TVM/R/2022 (Crime No. 721 of 2022 of Cantonment Police Station, Thiruvananthapuram District) may file an application before the jurisdictional court, for cancellation of bail.

Sd/-

**VIJU ABRAHAM  
JUDGE**