

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 08TH DAY OF MAY, 2020 / 18TH VAISAKHA, 1942

B.A. No.2448 /2020

(Crime No. 330/2020 of Town West Police Station, Thrissur District)

Petitioners

1. Shamon, aged 23 years, S/o. Shamnad, residing at Thandiyekkal house, Pezhekkappilly, Mulavoor P.O, Muvattuppuzha, Ernakulam.
2. Mohammedali aged 23 years, S/o. Ummar, residing at Parambil house, Kondoorkara P.O, Pattambi, Palakad.
3. Rahul aged 23 years, S/o. Raveendran, residing at Unnikalayil house, Kunnida, Chelikuzhi P.O, Adoor, Pathanamthitta

By Adv. Sri. Ajoy Venu

Respondents/ State & complainant:

- 1 State of Kerala represented by Public Prosecutor, High Court of Kerala 682031
- 2 Sub Inspector of Police, Town West Police station Thrissur district

SRI. AJITH MURALI, PP

SRI. SANTHOSH PETER SR.PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.05.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J

B.A.No.2448 of 2020

Dated this the 8th day of May, 2020

O R D E R

This Bail Application filed under Section 439 of Criminal Procedure Code was heard through Video Conference.

2. Petitioners are accused Nos.2, 3 and 4 in Crime No.330 of 2020 of Town West Police Station, Thrissur registered alleging offences punishable under Sections 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act (NDPS Act).

3.The prosecution case is that the petitioners were found in possession of Ganja on 19.03.2020 and they were arrested by the Police. Altogether 3.300 Kilo grams of Ganja were seized from the petitioners.

4. The counsel for the petitioner submitted that the petitioners are innocent and they are in custody from 19.03.2020 onwards. The petitioners are ready to abide any condition, if this court granting bail.

5.The learned Public Prosecutor opposed the bail

application and submitted that the 1st petitioner is involved in another NDPS case and he is opposing specifically the bail application of the 1st petitioner. The Public Prosecutor submitted that if this court is granting bail to the other petitioners, stringent conditions may be imposed.

6. After considering the facts and circumstances of the case, I think the 1st petitioner is not entitled bail. The 1st petitioner is involved in similar offence and the quantity alleged to be seized in that case is also Ganja. Therefore, the 1st petitioner is not entitled bail at this stage. As far as petitioners Nos.2 and 3 are concerned they are in custody from 19.03.2020 onwards. There is no criminal antecedents reported against those petitioners. In the facts and circumstances of the case, I think bail application can be granted to petitioners nos.2 and 3.

Hence, the bail application of petitioners nos.2 and 3 are allowed on following conditions:

1. The Superintendent of Jail concerned where the petitioners nos.2 and 3 are

incarcerated is directed to release petitioners nos.2 and 3 on bail on executing a self bond ensuring that they will appear before the Court concerned as and when required, if they are not in detention in any other case. It is further directed that the Superintendent of Jail should get the bail bond from petitioners nos.2 and 3 as stipulated in Section 441 Cr.P.C.

2. The Superintendent of Jail concerned shall also get the phone number and the address at which petitioners nos.2 and 3 would be residing after their release.

3. The Superintendent of Jail concerned, immediately after release of petitioners nos.2 and 3 will forthwith forward the bail bond obtained from petitioners nos.2 and 3 to the jurisdictional Court.

4. Petitioners nos.2 and 3 immediately after release from the prison, report before the

Station House Officer of the Jurisdictional Police Station and shall furnish their phone number and the place where they are going to reside. The Station House Officer concerned shall keep a vigil on the whereabouts of petitioners nos.2 and 3 and shall ensure that petitioners nos.2 and 3 do not violate the terms of the undertaking.

5. Petitioners nos.2 and 3 shall appear before the Investigating Officer as and when required. Petitioners nos.2 and 3 shall cooperate with the investigation and shall not threaten or attempt to influence the witnesses or tamper with the evidence.

6. Petitioners nos.2 and 3 shall within one week from the commencement of the functioning of the jurisdictional court, if the court is not functioning at present, execute a bond for Rs.50,000/- (Rupees Fifty Thousand

only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court.

7. Petitioners nos.2 and 3 shall strictly abide by the various guidelines issued by the State Government and Central Government with respect to keeping of social distancing and other directions in the wake of declared lock-down.

8. If any of the above conditions are violated by petitioners nos.2 and 3, the jurisdictional Court can cancel the bail in accordance with law, even though the bail is granted by this Court.

The bail application of the 1st petitioner is dismissed.

P.V.KUNHIKRISHNAN, JUDGE

YKB