

Sajith Kumar @ Sajid Vs. State of Kerala

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Court : Kerala

Decided On : May-28-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Sajith Kumar @ Sajid

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH WEDNESDAY, THE 28TH DAY OF MAY 2014 7TH JYAISHTA, 1936 Bail Appl..No. 3554 of 2014 ----- [CRIME NO. 446/2014 OF MANJERI POLICE STATION , MALAPPURAM DISTRICT] PETITIONER/ACCUSED: ----- SAJITH KUMAR @ SAJID, AGED 27 YEARS, S/O.SIVADASAN @ RASHEED, KANDISSERY HOUSE, ADAKKAKUNDU POST, KALIKAVU, NEAR PAYYANNUR RAILWAY GATE, MALAPPURAM DISTRICT. BY ADV. SRI.ZUBAIR PULIKKOOL. RESPONDENT/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28-05-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Prv. THOMAS P. JOSEPH, J ----- B.A.No.3554 of 2014 ----- Dated this the 28th day of May, 2014

ORDER

Petitioner is accused in Crime No.446 of 2014 of the Manjery Police Station for the offence punishable under Section 20(b) ii (B) of the NDPS Act, 1985 for alleged possession of 1.50 kgs of Ganja, is in custody from 03.04.2014 and seeks bail.

2. I have heard the learned Public Prosecutor and the learned counsel for the petitioner. Learned Public Prosecutor has submitted that the final report is filed on 30.04.2014. It is also submitted that the petitioner is not reported to be involved in any other case from the Manjery Police Station. But, the Police apprehends possibility of the petitioner absconding if he is released on bail.

3. Having regard to the relevant circumstances, I am inclined grant relief to the petitioner but subject to stringent conditions to make presence of the petitioner available for trial. Application is allowed as under: (i) Petitioner is granted bail in Crime No.446 of 2014 of the Manjery Police Station and shall be released on bail, (if not required to be detained otherwise) on his executing bond for Rs.30,000/- (Rupees thirty thousand only) with three sureties B.A.No.3554 of 2014 2 for the like sum each to the satisfaction of the learned Special Judge for trial of NDPS Act Cases, Vadakara and subject to the following conditions: (a) Whether or not he/she has landed property, one of the sureties shall be the mother/father/brother/close relative of the petitioner. (b) Petitioner shall surrender his passport before the learned Special Judge while executing the bail bond and in case he has none, file affidavit to that effect. (c) Petitioner shall report to the S.H.O., Manjeri Police Station on every Monday, Wednesday and Saturday between 10.00 a.m and 12.00 p.m. until otherwise ordered by the learned Special Judge. (d) Petitioner shall report to the officer investigating the case as and when required for interrogation. (e) Petitioner shall not go beyond the State of Kerala until otherwise ordered and except with the permission of the learned Special Judge. (f) Petitioner shall not get involved in any offence during the period of this bail. (g) Petitioner shall not intimidate or influence the witnesses. B.A.No.3554 of 2014 3 (ii) It is made clear that in case any of condition Nos. (c) to (g) is violated, it is open to the Investigating Officer to seek cancellation of the bail granted hereby by moving application before the learned Special Judge as held in P.K. Shaji V.

State of Kerala (AIR2006 Supreme Court 100). (iii) In case the petitioner surrenders the passport as aforesaid and it is required to be returned, appropriate application for that may be preferred before the learned Special Judge who shall decide the matter. Sd/- THOMAS P. JOSEPH, JUDGE. AS /True Copy/ P.A. to Judge

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