

Deepak Krishna, vs State of Kerala,

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Court : Kerala

Decided On : Apr-30-2024

Judge : Honourable Mr.Justice P.G. Ajithkumar

Appeal No. : Bail Appl./2004/2024

Appellant : Deepak Krishna,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR
TUESDAY, THE 30TH DAY OF APRIL 2024 / 10TH VAISAKHA, 1946
BAIL APPL. NO. 2004 OF 2024 CRIME NO.130/2024 OF Thampanoor
Police Station, Thiruvananthapuram PETITIONER: DEEPAK KRISHNA,
AGED 38 YEARS S/O. KRISHNA PILLAI, ANIZHAM, HOUSE NO. 102,
KAIRALI NAGAR, MULAMKADAKAM, KOLLAM, PIN - 691012 BY
ADVS. SAYED MANSOOR BAFAKHY THANGAL SHIBU JOSEPH
RESPONDENT: STATE OF KERALA, REPRESENTED BY SUB
INSPECTOR OF POLICE, THAMPANOR POLICE STATION,
THIRUVANANTHAPURAM, PIN - 695001 BY ADV BINDHU O V- PP
THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON

30.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.No. 2004 of 2024 :2:

P.G. AJITHKUMAR, J.

----- B.A.No. 2004 of 2024
----- Dated this the 30th day of
April, 2024

ORDER

This is an application for bail filed under Section 439 of the Code of Criminal Procedure, 1973.

2. The petitioner is the sole accused in Crime No.130 of 2024

of Thampanoor Police Station, Thiruvananthapuram. He allegedly had committed the offences punishable under Sections 20(b)(ii)(A), 21(a) & 27A of N.D.P.S. Act, 1985.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. The crime was registered with the allegation that the

petitioner was found in possession of small quantities of Cocaine and Ganja. Subsequently, on the basis of the materials collected during investigation an offence under Section 27A of the N.D.P.S. Act was also added.

5. The petitioner would contend that he did not involve in the

alleged crime and without any material or evidence, he has been implicated in the crime. He is innocent. The investigation in the matter has been progressed considerably and there is no reason or justification for his further detention.
B.A.No. 2004 of 2024 :3:

6. The learned Public Prosecutor would submit that

considering the seriousness of the offence and the possibility of interfering with the investigation by the petitioner in the event of his release on bail, this petition deserve only to be dismissed.

7. The Sub inspector of Police, Thampanoor Police Station has

submitted a report, through the learned Public Prosecutor, objecting the grant of bail to the petitioner. The application for bail filed by the petitioner initially was allowed. However, he continued in jail since no bail bond was executed. While so a report adding offence under Section 27A of the NDPS Act was filed obliging the petitioner to seek bail afresh. He moved CrI.M.P. No.1969 of 2024 before the Additional Sessions Judge-I, Thiruvananthapuram. That application was dismissed as per the order dated 06.03.2024.

8. The petitioner has been in jail since 14.02.2024. The

offence under Section 27A of the NDPS Act is grave. But, as of now the materials to establish that offence are scanty. The final report is yet to be filed. In the circumstances, I am of the view that the petitioner can be granted bail subject to strict conditions. In the result, the bail application is allowed and the petitioner is granted bail on his executing a bond for Rs.1,00,000/- (Rupees One Lakh only), with two solvent sureties for the like amount each, to the satisfaction of the learned Magistrate, subject to the following conditions: B.A.No. 2004 of 2024 :4:

1. He shall appear before the Investigating Officer on every Tuesday and Friday for a period of three months or till the final report is filed, whichever is earlier;
2. He shall not leave the limits of the jurisdictional court without prior permission of the Magistrate until further orders;
3. He shall not go abroad without the permission of the jurisdictional Court and shall surrender his passport before the investigating officer, and in case he does not have a passport, he shall file an affidavit to that effect;
4. He shall not influence or intimidate witnesses or tamper with evidence; and

5. During the bail period, he shall not get involved in

any offence. In case of breach of the bail conditions, the prosecution shall be at liberty to apply for cancellation of the bail before the jurisdictional court. Sd/- P.G. AJITHKUMAR, JUDGE sbk/-

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