

Monish vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1334989

Court : Kerala

Decided On : Feb-09-2023

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Bail Appl./899/2023

Appellant : Monish

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
THURSDAY, THE 9TH DAY OF FEBRUARY 2023 / 20TH MAGHA,
1944 BAIL APPL. NO. 899 OF 2023 CRIME NO.891/2022 OF
PEERUMEDU POLICE STATION PETITIONER/ACCUSED NO.1:
MONISH AGED 24 YEARS S/O MOHAN DAS, PLAMOOTTIL HOUSE,
ELAPPARA KARA, CHEMMANNU BHAGOM, PEERMADE TALUK,
IDUKKI DISTRICT BY ADVS. C.H.ABDUL RASAC K.R.AVINASH
(KUNNATH) ABDUL RAOOF PALLIPATH RESPONDENT/STATE:
STATE OF KERALA REPRESENTED BY STATION HOUSE OFFICER,
PEERMADE POLICE STATION, IDUKKI DIST., THROUGH PUBLIC
PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM, PIN -

682031 BY SR. PUBLIC PROSECUTOR SMT. NEEMA P V THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09.02.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BAIL APPL. NO. 899 OF 2023 2

ORDER

Dated this the 9th day of February, 2023 This is an application for regular bail, filed by the 1st accused in Crime No.891/2022 of Peerumedu Police Station.

2. Heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

3. The crux of the prosecution allegation, which could be read out from

the report of the investigating officer, that has been placed by the learned Public Prosecutor is that, accused Nos.1 and 2 jointly possessed 500 mg of MDMA, at 12.15 hrs on 10.12.2022, against the the prohibitions contained in the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the NDPS hereinafter). On recovery of the contraband, the accused were arrested. Thereafter, crime was registered alleging commission of offences punishable under Section 22(b) r/w Section 29 of the the NDPS Act.

4. While pressing grant of regular bail to the petitioner, who is the 1 st

accused in the above crime, the learned counsel for the petitioner would submit that the petitioner is innocent and he is not having any criminal antecedents. The BAIL APPL. NO. 899 OF 2023 3 learned counsel also would submit that the petitioner has been in custody from 10.12.2022 and the investigation requiring his custody is practically over.

5. The learned Public Prosecutor zealously opposed bail by pointing out the seriousness of the offences. But, she conceded that no criminal antecedents reported insofar as the petitioner herein/1st accused is concerned.

6. Since the petitioner is having no criminal antecedents, taking note of

the fact that the petitioner has been in custody from 10.12.2022, where there is substantial progress in the investigation, I am inclined to grant bail to the petitioner herein. Accordingly, the bail application is allowed and the petitioner can be enlarged on bail on the following conditions: i. The petitioner shall be released on bail on his executing bond for Rs.50,000/- (Rupees Fifty Thousand Only) with two solvent sureties, each for the like amount to the satisfaction of the Special court concerned. ii. The petitioner shall not intimidate the witnesses or tamper with evidence. He shall co-operate with the investigation and shall be available for trial. iii. The petitioner shall appear before the Investigating Officer as and when directed. iv. The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of this case, so as to dissuade him from disclosing such facts to the court or to any police officer. v. The petitioner shall surrender his passport before the Special Court on the date of execution of the bail bond, or within seven days therefrom. If he has no passport, he shall file affidavit to that effect, accordingly. vi. The petitioner shall not involve in any other offence during the currency of bail and any such event, if reported or came to the notice of this Court, the same shall be a reason to cancel the bail hereby granted. Sd/- A. BADHARUDEEN JUDGE Bb
//TRUE COPY// PA TO JUDGE