

Anoop vs State of Kerala

Anoop vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1339928

Court : Kerala

Decided On : Feb-28-2023

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Bail Appl./1489/2023

Appellant : ANOOP

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
TUESDAY, THE 28TH DAY OF FEBRUARY 2023 / 9TH PHALGUNA,
BAIL APPL. NO. 1489 OF 2023 CRIME NO.47/2023 OF KOTTIYAM
POLICE STATION, KOLLAM PETITIONER/ACCUSED: ANOOP AGED
24 YEARS S/O.ANIL, V.S.BHAVAN, VANCHIMUKKU, THAZHUTHALA,
KOLLAM -, PIN - 691571 BY ADVS. PRATHEESH.P ANJANA
KANNATH RESPONDENT/STATE: 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, ERNAKULAM, PIN - 682031 2 STATION HOUSE OFFICER
KOTTIYAM POLICE STATION, KOLLAM DISTRICT, PIN - OTHER
PRESENT: PP SRI S SANGEETHA RAJ THIS BAIL APPLICATION

HAVING COME UP FOR ADMISSION ON 28.02.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated, this the 28th February, 2023 This is a petition filed under Section 439 of the Code of Criminal Procedure, 1973 and the petitioner is the 1st accused in crime No.47/2023 of Kottiyam Police Station, Kollam, where he alleged to have committed offence punishable under Section 22(b)(ii)(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred as 'NDPS Act', for short), and the petitioner seeks regular bail.

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

3. I have perused the relevant documents forming part of the Case Diary produced by the learned Public Prosecutor and the report of the Investigating Officer.

4. The prosecution allegation is that at

about 3:30 hrs. on 11.01.2023, 1.952 Kg of Ganja was found in possession of the accused at Gurumandiram junction, Mylapore, while the same was transporting in a car bearing registration No.KL-30D-4555. Thereafter, the accused was arrested and, accordingly, crime was registered alleging commission of the above offence.

5. The learned counsel for the petitioner,

who canvassed regular bail to the petitioner would submit that the petitioner is a first time offender and the investigation has achieved much progress and also highlighted the custody of the petitioner from 11.01.2023, as an additional ground for release of the petitioner.

6. Although the learned Public Prosecutor opposed the bail, he also conceded the progress of investigation as well as the stature of the petitioner as a person, without any criminal antecedents.

7. On perusal of available materials, it is

discernible that the investigation has achieved much progress and, therefore, his further incorporation is not required for the purpose of investigation, particularly the petitioner is a first time offender.

8. Accordingly, this petition stands allowed and the petitioner is enlarged on bail on the following conditions:

i. The 1st accused/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 Jurisdictional court, concerned. ii. The petitioner shall not intimidate the witnesses or tamper with evidence. iii. The petitioner shall co-operate with the investigation and shall be available for trial. He shall appear before the Investigating Officer on every Tuesday in between 9 a.m and 12 noon, from the date of release on bail, for a period of six weeks. 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, if any, within 7 days from the date of his release, before the trial court. If he has no passport, he shall file an affidavit in this regard on the date of execution of the bond or within 3 days thereafter. vi. The petitioner shall not involve or indulge 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. ww APPENDIX OF BAIL APPL. 1489/2023 PETITIONER ANNEXURES Annexure A1 THE CERTIFIED COPY OF FIR IN CRIME NO.47/2023 OF KOTTIYAM POLICE STATION DATED 11.01.2023 ALONG WITH REPORT