

Rakkish vs State of Kerala

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Court : Kerala

Decided On : Mar-31-2023

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Bail Appl./2437/2023

Appellant : Rakkish

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
FRIDAY, THE 31ST DAY OF MARCH 2023 / 10TH CHAITHRA, 1945
BAIL APPL. NO. 2437 OF 2023 AGAINST THE ORDER IN CRMP
624/2023 OF ADDITIONAL DISTRICT COURT & SESSIONS COURT -
IV, THIRUVANANTHAPURAM / I ADDITIONAL MACT (CRIME No. 69
OF 2022) PETITIONER/ACCUSED: RAKKISH AGED 32 YEARS S/O
RADHAKRISHNAN, MELE BHAVANALAYAM VEETIL, VENGANOOR
VILLAGE, NEAR CHIRATTAMUKKU CSI CHURCH,
KATTACHANKUZHI, NOW RESIDING AT MAKAYIRAM, VENPAKAL
DESAM, KUSHVOOR KOTTILKONAM, ATHIYANOOR VILLAGE,
VENPAKAL P.O., THIRUVANANTHAPURAM DISTRICT, PIN - 695123

BY ADVS. GODWIN JOSEPH SAJEEV K.M. RESPONDENT/STATE:
STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, THROUGH EXCISE
INSPECTOR, NEYYATTINKARA EXCISE RANGE OFFICE,
THIRUVANANTHAPURAM DISTRICT, PIN - 682031 OTHER
PRESENT: T V NEEMA SRPP THIS BAIL APPLICATION HAVING
COME UP FOR ADMISSION ON 31.03.2023, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING: ..2..

A.BADHARUDEEN, J.

----- B.A.No.2437 of 2023
----- Dated this the 31st day of
March, 2023

ORDER

This is an application for regular bail filed under Section 439 of the Code of Criminal Procedure, by the sole accused in Crime No.69/2022 of Neyyattinkara Excise Range Office, Thiruvananthapuram.

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

3. I have perused the relevant documents form part of the

case diary, placed by the learned Public Prosecutor. 4.The prosecution case in brief is that, at about 12.50 p.m on 17.12.2022, the accused was found in possession of 2.119 kg of Ganja, against the prohibitions contained in the Narcotic Drugs and Psychotropic Substances Act (for short, NDPS Act, herein after). Accordingly, he was nabbed red handedly. Pursuant to the recovery and arrest, crime alleging commission of offence ..3.. punishable under Section 20(b) (ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, was registered.

5. The learned counsel for the petitioner submitted that, the

petitioner is innocent and allegations are false. It is submitted that though, the petitioner has been in custody from 17.12.2022, the learned Special Judge dismissed his application for regular bail, on the ground that he has involvement in another NDPS crime. Highlighting custody of the petitioner on 17.12.2022 and the progress of the investigation, the learned counsel for the petitioner pursued the relief of the regular bail.

6. The learned Public Prosecutor opposed grant of

regular bail, pointing out the seriousness of the offence. It is also submitted that the petitioner has involvement in Crime No.19/2022, under the NDPS Act, of Neyyattinkara Police Station, involving small quantity and this is the second crime he had involved during 2022 itself.

7. On perusal of the available materials, final report already

filed in this matter. It is to be noted that the petitioner has been in custody from 17.12.2022, though he has involvement in one more ..4.. crime under the NDPS Act involving small quantity. Therefore, by imposing stringent conditions, the petitioner can be enlarged on bail and one among the condition is that, the petitioner shall not involve in any other crime during the currency of bail and any such event, if reported or came to the notice of this Court, the same done shall be a reason to cancel the bail hereby granted. Therefore, the petitioner is 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) by themselves and 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 trial and shall be available for trial. iii. 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. iv. The petitioner shall surrender his passport before the Special Court on the date of execution of the bail bond, or within 7 days therefrom. If the petitioner has no passport, he shall file ..5.. affidavit to that effect. v. 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 mtk ..6..
APPENDIX OF BAIL APPL. 2437/2023 PETITIONER ANNEXURES Annexure- A1
A TRUE COPY OF THE FINAL REPORT DATED 31.01.2023 SUBMITTED BY
THE INVESTIGATING OFFICER IN CRIME NO. 69/2022 OF NEYYATTINKARA
EXCISE RANGE OFFICE, THIRUVANANTHAPURAM DISTRICT BEFORE THE
HON'BLE ADDITIONAL SESSIONS COURT, THIRUVANANTHAPURAM.
Annexure-A2 A TRUE COPY OF THE ORDER DATED 27.02.2023 IN CRL. M.P.
NO. 624/2023 IN S.C. NO. SESSIONS COURT - IV, THIRUVANANTHAPURAM

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