

Saktivel vs State of Kerala

Saktivel vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1353611

Court : Kerala

Decided On : Apr-25-2023

Judge : Honourable Mr.Justice P.G. Ajithkumar

Appeal No. : Bail Appl./2915/2023

Appellant : Saktivel

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR
TUESDAY, THE 25TH DAY OF APRIL 2023 / 5TH VAISAKHA, 1945
BAIL APPL. NO. 2915 OF 2023 AGAINST THE ORDER DATED
20.03.2023 IN CRMP 626/2023 OF SPECIAL COURT (ATROCITIES
AGAINST SC/ST), MANJERI (CRIME NO.5 OF 2023 OF KALIKAVU
EXCISE RANGE, MALAPPURAM) PETITIONERS: 1 SAKTIVEL AGED
25 YEARS, S/O. MOTTAIYAN VELLAIYAN, DOOR NO. 25, SETTU
KOTTAI, EUKKABATTU P.O., VENGODE, VILUPPURAM DISTRICT,
TAMIL NADU, PIN - 606401. 2 ELAYARAJA, AGED 25 YEARS, S/O.
GOVINDHAN, KATTUKOTTAI HOUSE, ERAKUMPADAM VILLAGE,
VELLIMA TALUK, KULLAKKURICHI DISTRICT, TAMIL NADU, PIN -

606202. BY ADV R.RANJITH (MANJERI) RESPONDENT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031. SR PUBLIC PROSECUTOR SMT SEETHA S THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25.04.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.G. AJITHKUMAR, J.

----- B.A.No. 2915 of 2023
----- Dated this the 25th day of
April, 2023

ORDER

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

2. The petitioners are the accused in Crime No.5 of

2023 of Kalikavu Excise Range, Malappuram. They allegedly had committed the offences punishable under Section 22(b) (ii)B of the Narcotic Drugs and Psychotropic Substances Act, 1985.

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

4. The prosecution allegation is that on 01.03.2023 at 11.00 a.m. at Wandoor Desom, the petitioners were found to be transporting 3.1 kgs. of Ganja. The petitioners were in judicial custody from 21.03.2023.

5. The petitioners would contend that they did not involve in the alleged crime and without any material or evidence, they have been implicated in the crime and that they are innocent. The investigation in the matter has been progressed considerably and there is no reason or justification for their further detention.

6. The learned Public Prosecutor would submit that

the petitioners hail from Tamil Nadu. It is also submitted that although going by the report of the investigating officer that they are not involved in any other crime, it would be difficult to ensure their presence during the trial if they are released on bail. Hence, considering the seriousness of the offence and the possibility of interfering with the investigation by the petitioners in the event of their release on bail, this petition deserves only to be dismissed.

7. Having heard the learned counsel appearing for the

petitioners and the learned Public Prosecutor, and considering the nature and gravity of the offence, further detention of the petitioners is unnecessary. I am therefore of the view that the petitioners are entitled to be released on bail on stringent conditions. In the result, the bail application is allowed and the petitioners are granted bail on their executing a bond for Rs.50,000/- (Rupees fifty thousand only) each, with two solvent sureties for the like amount each, to the satisfaction of the learned Magistrate, subject to the following conditions:

- (i) They shall not influence or intimidate witnesses or tamper with evidence;
- (ii) They shall appear before the investigating officer as and when called for; and
- (iii) During the bail period, they shall not get involved in any offence.
- (iv) The sureties shall be persons hailing from Kerala and the

jurisdictional court will ascertain the identity of the sureties and shall ensure that the presence of the petitioners would be available for the purpose of trial before releasing them on bail. 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 dkr APPENDIX OF BAIL APPL. 2915/2023
PETITIONER ANNEXURES Annexure A TRUE COPY OF ORDER IN CRL.M.P
NO. SC/ST (POA) ACT & NDPS ACT CASES, MANJERI, DATED 20/3/2023