

Sumod vs State of Kerala

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Court : Kerala

Decided On : Apr-27-2023

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./3256/2023

Appellant : SUMOD

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
THURSDAY, THE 27TH DAY OF APRIL 2023 / 7TH VAISAKHA, 1945
BAIL APPL. NO. 3256 OF 2023 CRIME NO.112/2022 OF Malappuram
Police Station, Malappuram PETITIONER: SUMOD AGED 29 YEARS
RAJAKUMARAN, KARAYIL HOUSE, KUTTANISSERY P.O,
CHERPULASSERY, PALAKKAD DT., PIN - 679504

BY ADV A.HAROON RASHEED RESPONDENT: STATE OF KERALA,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM., PIN - 682031 PUBLIC PROSECUTOR RAJEEV JYOTHISH
GEORGE THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
27.04.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VIJU ABRAHAM, J.

----- B.A. No.3256 of 2023 ----- Dated this the 27th
day of April, 2023

ORDER

This is an application for regular bail.

2. The petitioner is accused No.3 in Crime

No.112/2022 of Malappuram Police Station alleging commission of offence punishable under Section 20(b)(ii)C and 29 of the Narcotic Drugs and Psychotropic Substances(NDPS) Act.

3. The prosecution allegation is that, on

16.02.2022, at 10.35 pm, at Kadungooth, on Perinthalmanna road, accused Nos. 1 and 2 were found to have transported 22.125 Kgs of ganja in a car and on the interrogation of the 1st accused, he gave statement that ganja was purchased by him and the petitioner from Andhra Pradesh and thus the accused committed the aforesaid offence.

4. The learned counsel for the petitioner

submitted that the petitioner was arrested on B.A. No.3256 of 2023 3 18.02.2022, and he is in custody since then. Petitioner submits that he has been falsely implicated in the above said crime and he was arrayed as an accused only on the confession statement of the 1st accused and that there are no other materials to connect him with the alleged offence. Petitioner submits that he has no other criminal antecedents. Petitioner relies on Annexure-A4 order on this Court whereby accused Nos.1 and 2 have already been granted bail.

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

6. The learned Public Prosecutor seriously

opposed the application for bail mainly contending that the petitioner has an active role in the commission of the said offence and there is sufficient materials collected to connect the petitioner with the alleged offence.

7. By Annexure-A4 order this Court has granted

bail to accused Nos.1 and 2, taking into consideration the fact that they have no other B.A. No.3256 of 2023 4 criminal antecedents and that they have been in custody for long and the trial of the case is not yet started and that the quantity of contraband involved is not a huge or sizable quantity. Considering the facts and circumstances of the case and taking into consideration that the petitioner is similarly situated to that of the petitioners in Annexure-A4 order, I am inclined to grant bail to the petitioner. In the result, the bail application is allowed. It is directed that the petitioner shall be released on bail, subject to the following conditions:

(i) The petitioner shall execute bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like-sum to the satisfaction of the jurisdictional court;

(ii) Petitioner shall not intimidate the

witnesses or tamper with evidence. He shall co-operate with the investigation and shall be available for trial. He shall visit the Investigating Officer on every Monday in between 9 a.m and 12 noon for a period of two months and also appear before the Investigating Officer as and when directed. B.A. No.3256 of 2023 5

(iii) The petitioner shall not leave India without prior permission of the jurisdictional court;

(iv) 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;

(v) 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 alone shall be a reason to cancel the bail hereby granted. sd/-

VIJU ABRAHAM,JUDGE pm B.A. No.3256 of 2023 6 APPENDIX OF BAIL APPL. 3256/2023 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE FINAL REPORT/CHARGE SHEET AGAINST THE PETITIONER IN CRIME NO. 112/2022 OF MALAPPURAM POLICE STATION Annexure A2 TRUE COPY OF THE ORDER DATED 19/7/2022 IN B.A NO. 5211/2022 OF HIGH COURT OF KERALA Annexure A3 TRUE COPY OF THE ORDER DATED 2/11/2022 IN B.A NO. 6489/2022 OF HIGH COURT OF KERALA Annexure A4 TRUE COPY OF THE COMMON ORDER DATED NO.3849/2022 AND B.A NO. 5099/2022OF HIGH COURT OF KERALA

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