

Sooraj J vs State of Kerala Represented by the Public Prosecutor,

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Court : Kerala Orders

Decided On : Jul-20-2023

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Bail Appl./3303/2023

Appellant : Sooraj J

Respondent : State of Kerala Represented by the Public Prosecutor,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
THURSDAY, THE 20TH DAY OF JULY 2023 / 29TH ASHADHA, 1945
BAIL APPL. NO. 3303 OF 2023 CRIME NO.117/2023 OF
KOLLENGODE POLICE STATION, PALAKKAD
PETITIONER/ACCUSED NO.6: SOORAJ J AGED 31 YEARS S/O
JAYAPRAKASH, SOORAJ NIVAS, PUNUKKANOOR,
CHERUKARAMOOLA, KOTTAMKARA VILLAGE, PERUMPUZHA P.O.
KOLLAM, PIN - 691504 BY ADV SUMESH CHAKKADATH
SUBRAMANIAN C S RESPONDENT/STATE AND INVESTIGATING
OFFICER: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN -

682031 2 THE STATION HOUSE OFFICER KOLLENGODE POLICE STATION, KOLLENGODE, PALAKKAD DISTRICT, PIN - OTHER PRESENT: ADV SREEJA V SR PP, ADV CS HRITHWIK SR PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20.07.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

This is an application filed u/s 439 of the Code of Criminal Procedure seeking regular bail.

2. The petitioner is the sixth accused in Crime

No.117/2023 of Kollengode Police Station, Palakkad. The offences alleged against the petitioner and the other accused are under Sections 22(c) r/w. 29 of the Narcotic Drugs And Psychotropic Substances Act, 1985 (for short, 'the Act').

3. The prosecution case is that on 13.02.2023 at

Valluvakund Kollengode, the accused Nos.1 to 5 were found transporting 88.88 gms of MDMA in a Maruti Ignis car bearing Reg.No.KL 02 BC 8777. The said accused persons were arrested

and the articles were recovered. During the course of investigation, a confession statement was given by the accused persons, wherein it was mentioned that, 12.06 gms of MDMA was purchased by them from Bengaluru along with the other articles, for the purpose of the sixth accused and he also paid the amount for the same. Accordingly, he was implicated and arrested on 17.02.2023. Since then, he has been under judicial detention.

This application for regular bail is submitted, in such circumstances.

4. Heard Sri.C.S. Sumesh, learned counsel appearing for the petitioner and Smt. Sreeja V., learned Senior Public Prosecutor appearing for the State.

5. The learned counsel for the petitioner submits that the

petitioner is innocent of all the allegations and he was falsely implicated. It is pointed out that he has been in judicial custody for more than 150 days and there is nothing to indicate that the petitioner had any role in the offences.

6. On the other hand, the learned Public Prosecutor

opposes the said submission by pointing out that, the petitioner was implicated, on the basis of a confession statement of the other accused and during the course of investigation on examining the call data records, it was revealed that the petitioner was in regular contact with the other accused persons. The monetary transactions are also evident from the bank accounts. Even now the matter is under investigation.

7. I have gone through the records. Even though the

learned counsel for the petitioner submits that the petitioner does not have any involvement, the impression that can be gathered from the materials produced on record is otherwise.

The specific case of the prosecution is that the petitioner transferred amounts to the other accused for the purpose of procuring contraband articles for him and there are materials for establishing the same. In addition to that, the petitioner was also involved in another case i.e. Crime No.193/2023 of Town North Police Station, Palakkad, wherein the offence is under Section 22(c) of the Act is involved. As the quantity involved is commercial quantity, the rigour under Section 37 of the Act is applicable. When going through the materials placed on record, there are some materials indicating the role of the petitioner and a prima facie case is made out. He is also having criminal antecedents.

In such circumstances, I do not find any material, to record the satisfaction of the dual conditions contemplated under Section 37 of the Act. The matter is even now under investigation. In such circumstances, I do not find any merit in this application. Accordingly, this Bail Application is dismissed. Sd/- ZIYAD RAHMAN A.A. JUDGE shg APPENDIX OF BAIL APPL. 3303/2023 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE ORDER IN CMP 1270/2023

OF SESSION COURT PALAKKAD DATED 18.04.2023

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