

Nidhin Devassy vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1359453

Court : Kerala

Decided On : May-31-2023

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./3759/2023

Appellant : Nidhin Devassy

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945
BAIL APPL. NO. 3759 OF 2023 AGAINST THE ORDER/JUDGMENTSC
517/2022 OF ADDITIONAL DISTRICT COURT, THRISSUR Bail Appl.
4904/2022 OF HIGH COURT OF KERALA PETITIONER: NIDHIN
DEVASSY AGED 31 YEARS S/O DEVASSY, THEKKANATH HOUSE,
PANAYAMPADAM DESOM, EDAKKUNNI VILLAGE, THRISSUR
DISTRICT, PIN - 680306 BY ADV SATHEESH MOHANAN

RESPONDENT: STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 OTHER PRESENT:
PP - JOBY JOSEPH THIS BAIL APPLICATION HAVING COME UP FOR

ADMISSION ON 31.05.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A. No. 3759 of 2023 2

VIJU ABRAHAM, J.

----- B.A. No. 3759 of 2023 ----- Dated this the 31st day of May, 2023

ORDER

This is an application for regular bail.

2. Petitioner is the 1st accused in Crime No.268 of 2021 of Ollur Police Station, Thrissur

District registered alleging commission of offences punishable under Section 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act. 1985 (in short, NDPS Act). He is in judicial custody from 01/02/2022 onwards.

3. The prosecution allegation is that on

27.04.2021, at 2.00 p.m., information was received to the effect that ganja was stocked in a building in the property of one Vincent at Thomalippadam. Thereupon, the police party conducted search in the property and 2nd accused who was seen at the place was restrained. The inspection of the shed in the property revealed that 27.530 Kg of ganja

B.A. No. 3759 of 2023 3 was kept in two plastic sacks. 2nd accused confessed before the investigation officer about the involvement of the petitioner herein. Hence, the crime case was registered against the petitioner.

4. The investigation is completed and Final Report is filed on 28.03.2022 and the case is numbered as SC No. 517 of 2022 which is pending trial before the I Additional Sessions Judge, Thrissur.

5. It is submitted that the petitioner is

falsely implicated in this case and

contraband. It is not seized from his personal possession and he has no connection with the said property where the contraband was seized. The petitioner is arrayed as an accused in this case only on the basis of confession of co-accused. It is not admissible in the evidence without any corroborative evidence.
B.A. No. 3759 of 2023 4

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

7. The learned Public Prosecutor opposed the

application for bail mainly contending that the petitioner has approached this Court earlier and this Court has considered the application for bail in detail and dismissed the same as per Annexure-1 order. Learned Public Prosecutor further submits that the petitioner has involved in three other criminal cases.

8. When the matter came up for consideration on an earlier occasion, I have called for a report

from the trial court concerned regarding the present stage of the case at it was reported that the trial has already commenced and PW1 was partly examined and the case was posted to 29.5.2023 for further examination and there are altogether 39 witnesses in the above said crime. The trial court seeks six months time to complete the trial of the case.

Considering the fact that commercial quantity B.A. No. 3759 of 2023 5 of contraband was seized and the petitioner is involved in three other criminal cases and further that the trial has already commenced, I am not inclined to grant bail to the petitioner. Taking note of the detention of the petitioner from 2.2.2022 onwards, a direction is issued to the trial court to expedite the trial of the case and to complete the same as expeditiously as possible, at any rate, within an outer limit of five months from today. If the trial of the case is unduly delayed, the petitioner will be free to approach this Court or the trial court concerned, seeking bail. With the above direction, the above bail application is disposed of. sd/- VIJU ABRAHAM, JUDGE pm

