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Sajil vs State of Kerala

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Court : Kerala

Decided On : Dec-01-2023

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Bail Appl./9997/2023

Appellant : SAJIL

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH FRIDAY, THE 1ST DAY OF DECEMBER 2023 / 10TH AGRAHAYANA, 1945 BAIL APPL. NO. 9997 OF 2023 CRIME NO.383/2023 OF Pandikad Police Station, Malappuram CRMP 2272/2023 OF SPECIAL COURT (ATROCITIES AGAINST SC/ST), MANJERI PETITIONERS 1 SAJIL AGED 29 YEARS S/O.KHALID, CHALINTHODI HOUSE, AREEKODE POST, MALAPPURAM DISTRICT, PIN - 673639 2 BINSHAD AGED 32 YEARS S/O. MAHBOOB, NALAKATH HOUSE, AREEKODE POST, MALAPPURAM DISTRICT, PIN - 673639 RESPONDENTS 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2 STATION HOUSE OFFICER PANDIKKAD POLICE STATION, MALAPPURAM DISTRICT, PIN - 676521 T.V.NEEMA-PP THIS BAIL

APPLICATION HAVING COME UP FOR ADMISSION ON 01.12.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

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

2. The applicants are the accused Nos.2 and 3 in Crime No.383/2023 of Pandikkad Police Station. The offences alleged are punishable under Sections 22(b) and 29 of the NDPS Act.

3. The prosecution case, in short, is that on

29.05.2023 at 10.55 p.m, accused No.1 was found in possession of 7.61 grams of MDMA, for the purpose of sale, which was purchased from accused No.2 and financed by accused No.3. The accused thereby committed the aforesaid offences.

4. I have heard Sri.P.C. Muhammed Noushiq, the learned counsel for the applicants and Smt.T.V. Neema, the learned Senior Public Prosecutor. Perused the case diary.

5. The learned counsel for the applicants submitted

that the applicants are innocent and have been falsely implicated in the present case. The counsel further submitted that no materials are on record to connect the applicants with the alleged crime; hence, they are entitled to get bail. On the other hand, the learned Public Prosecutor submitted that the alleged incident occurred as a part of the intentional criminal acts of the applicants, and they are not entitled to bail at this stage.

6. Accused No.2 was arrested on 13.10.2023 and

accused No.3 was arrested on 14.10.2023 and since then, they are under judicial custody. The recovery has already been effected. No criminal antecedents are reported against the applicants. It is submitted that accused No.1 had already

been granted bail. For all these reasons, I do not find any reason to hold that the continued detention of the applicants is required for any purpose. Hence, the applicants are entitled to be released on bail. In the result, the application is allowed on the following conditions: -

(i) The applicants shall be released on bail on

executing a bond for Rs.1,00,000/- (Rupees One lakh only) each with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Magistrate/Court.

(ii) The applicants shall fully co-operate with the investigation.

(iii) The applicants shall appear before the

investigating officer between 10.00 a.m and 11.00 a.m every Saturday until further orders. They shall also appear before the investigating officer as and when required.

(iv) The applicants shall not commit any offence of a like nature while on bail.

(v) The applicants shall not attempt to contact any of

the prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vi) The applicants shall not leave the State of Kerala without the permission of the trial Court.

(vii) The application, if any, for deletion/modification of the bail conditions or cancellation of bail on the grounds of violating the bail conditions shall be filed at the jurisdictional court. Sd/- DR. KAUSER EDAPPAGATH smm JUDGE APPENDIX OF BAIL APPL. 9997/2023 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE ORDER DATED 31.10.2023 IN CRL MP NO. 2272 OF 2023 ON THE FILES OF SPECIAL COURT FOR SC/ST (POA) ACT & NDPS ACT CASES, MANJERI

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