

Shameer vs State of Kerala

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Court : Kerala

Decided On : Feb-11-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./551/2022

Appellant : Shameer

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. FRIDAY,
THE 11TH DAY OF FEBRUARY 2022 / 22ND MAGHA, 1943 BAIL
APPL. NO. 551 OF 2022 CRIME NO.742/2021 OF PUDUNAGARAM
POLICE STATION PETITIONER/ACCUSED: SHAMEER AGED 22
YEARS AANAMALA VEEDU, PILATHURMEDU, PUDUNAGARAM,
PALAKKAD PALAKKAD, PIN - 678503 BY ADV SYAM J SAM
RESPONDENT/S: STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN -
682031 BY ADV PUBLIC PROSECUTOR SRI. M.C. ASHI (PP) THIS
BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
11.02.2022, THE COURT ON THE SAME DAY DELIVERED THE

ORDER

This is an application for regular bail.

2. Petitioner is the accused in Crime No.742/2021 of

Pudunagaram police station, alleging commission of offences under Sections 77 and 78 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the JJ Act)

3. Allegation against the petitioner is that the petitioner entrusted ganja with a child in conflict with law, for the purpose of sale and thereby, he committed the offences alleged against him.

3. Learned counsel appearing for the petitioner submits

that the petitioner is absolutely innocent in the matter. It is submitted by the learned counsel that he does not wish to argue the matter on merits as the petitioner has been in custody for more than 60 days and is entitled to statutory bail as on date.

4. Learned Public Prosecutor submits that the petitioner may be directed to approach the jurisdictional court with an

application for bail, if he is entitled to statutory bail. It is submitted that though presently Crime No.724/2021 has been registered incorporating the provisions of JJ Act alone, it is clear BAIL APPL. NO. 551 OF 2022 3

from the facts that the provisions of the Narcotic Drugs and Psychotropic Substances Act (hereinafter referred to as the NDPS Act are also attracted. It is submitted that therefore the petitioner may be directed to approach the jurisdictional court for bail. It is also pointed out that the petitioner is involved in two other NDPS Cases.

5. Having regard to the facts and circumstances of the

case and considering the submissions of the learned counsel appearing for the petitioner and the learned Public Prosecutor, I am of the view that the petitioner is entitled to be released on bail as he has completed more than 60 days in custody and is entitled to statutory bail as on date. Even assuming that the provisions of the NDPS Act are invoked against the petitioner, considering the fact that the drug in question is in intermediate quantity, the petitioner cannot be kept in custody beyond the

period of 60 days without filing of a charge sheet. Therefore, without going into any other aspect of the matter, it is directed that the petitioner shall be released on bail subject to conditions. Accordingly, this application for bail is allowed and 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 BAIL APPL. NO. 551 OF 2022 4 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 appear before the investigating officer in Crime No. 742/2021 of Pudunagaram Police station on every Saturday at 11 am until further orders;

(iii) The petitioner shall not attempt to interfere with the investigation or to influence or intimidate any witness in Crime No. 742/2021 of Pudunagaram police station;

(iv) The petitioner shall not involve in any other crime while

on bail. If any of the aforesaid conditions are violated, the investigating officer in Crime No.742/2021 of Pudunagaram police station may file an application before the jurisdictional court, for cancellation of bail. sd/- GOPINATH P. JUDGE ajt

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