

Suneesh vs the State of Kerala

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Court : Kerala Orders

Decided On : Jul-29-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./9937/2021

Appellant : Suneesh

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
FRIDAY, THE 29TH DAY OF JULY 2022 / 7TH SRAVANA, 1944 BAIL
APPL. NO. 9937 OF 2021 CRIME NO.363/2021 OF Koduvally Police
Station, Kozhikode PETITIONER/ACCUSED: SUNEESH,S/O.APPU
NAIR, AGED 44 YEARS VADAYAKANDIYIL HOUSE, PARANOOR P.O.,
NARIKKUNI, KOZHIKODE - 673 585. BY ADV SUNNY MATHEW
RESPONDENTS/COMPLAINANTS & STATE: 1 THE STATE OF
KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH
COURT OF KERALA, ERNAKULAM, COCHIN - 682 031. 2 THE
STATION HOUSE OFFICER KODUVALLY POLICE STATION,
KOZHIKODE DISTRICT - 673 572. THIS BAIL APPLICATION HAVING

COME UP FOR ADMISSION ON 29.07.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BA No.9937 of 2021 2

VIJU ABRAHAM, J.

B.A.No. 9937 of 2021 Dated this the 29th day of July, 2022

ORDER

This is an application for anticipatory bail.

2. petitioner herein is the accused in Crime No.363 of 2021 of Koduvally Police Station, Kozhikode registered alleging commission of offences punishable under Sections 20(b), II(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, NDPS Act).

3. The prosecution case, in short, is that on 26.05.2021 the

Station House Officer, Kuduvally Police Station, got information that ganja is kept at the unoccupied dwelling house of one Puthalathu Thangamani. Therefore, the 2nd respondent and party conducted a search in the said dwelling house and the search resulted in the recovery of 17.400 kgs of ganja from the Varantha of the said house, hence the above case.

4. Petitioner submits that he is totally innocent of the allegations

levelled against him. He has absolutely no connection with the unoccupied house from which ganja was allegedly seized. It appears that after about four months of the said seizure one Leena Jacob was arrested with ganja. It appears that she was under the impression that it is the petitioner who BA No.9937 of 2021 3

had passed the information regarding the possession of ganja by her to the police and in order to vex and harass the petitioner, she had allegedly told the police that the ganja recovered on 26.05.2021 from the unoccupied house was kept by the petitioner. It is submitted that there are two persons who are regular visitors of the said house and property for rearing cows. It is submitted that the petitioner was

earlier running a beauty parlour at Narikkuni, under the name and style "Natural". Due to the spread of Covid- 19 pandemic the petitioner decided to close down the said beauty parlour and started to sell the instruments and materials in the beauty parlour. The said Leena Jacob who was also running a beauty parlour at Thrissur had purchased certain materials and instruments from the petitioner and in that connection they used to call each other. Apart from the above petitioner has absolutely no other connection with the said Leena Jacob. It is submitted that the investigation of the above case has made much headway. The contraband article has already been seized by the police. The petitioner is ready to cooperate with the investigation of the above case. In the circumstances the custodial interrogation of the petitioner is not at all required. The 2nd respondent, however, is making hectic efforts to arrest the petitioner.

5. Petitioner submits that he is totally innocent of the charges levelled against him and he has been falsely implicated at the instance of one Leena Jacob who was arrested earlier along with ganja.

6. Learned Public Prosecutor upon instructions submitted that on BA No.9937 of 2021 4

getting reliable information an unoccupied dwelling house was searched and 17.400 Kgs ganja was seized. One Leena who was arrested in NDPS Crime No.369 of 2021 of Kunnamangalam Police Station has confessed about the role of the petitioner in the present crime. Verification of the call records and tower locations revealed the complicity of all the accused in the alleged crime. It is further submitted by the learned Public Prosecutor that the investigation is still pending and the car used for the alleged commission of crime is to be seized. Custodial interrogation of the petitioner is very much essential for seizure of the vehicle and to trace out the source of ganja and that the quantity involved is very high.

Considering the seriousness of the allegation, I am not inclined to grant anticipatory bail to the petitioner and the application is accordingly dismissed. It is made clear that these prima facie observations are made for the limited purpose of deciding this bail application and the above opinion expressed shall not be

regarded as opinion on merits, during trial. Sd/- VIJU ABRAHAM JUDGE cks

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