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Majeed vs State of Kerala

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Court : Kerala Orders

Decided On : Mar-18-2020

Judge : Honourable Mr. Justice R. Narayana Pisharadi

Appeal No. : Crl.MC/2324/2020

Appellant : Majeed

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE R. NARAYANA PISHARADI WEDNESDAY, THE 18TH DAY OF MARCH 2020 / 28TH PHALGUNA, 1941 Crl.MC.No.2324 OF 2020(A) AGAINST THE ORDER DATED 22.2.2020 IN CRL.APPEAL NO.690/2020 IN SC 368/2019 DATED 22-02-2020 OF II ADDITIONAL DISTRICT COURT & SESSIONS COURT,PALAKKAD CRIME NO.203/2019 OF Town North Police Station , Palakkad PETITIONER/PETITIONER/ACCUSED: MAJEED AGED 30 YEARS S/O LATE MUHAMMED, PARAKKALPEEDIKA, NELLIKKATTUSSERY, KOOTANAD, PALAKKAD DISTRICT. BY ADV. SRI.P.JAYARAM

RESPONDENT/RESPONDENT/COMPLAINANT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031. SRI.RAMESH CHAND - PUBLIC PROSECUTOR. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 17.03.2020, THE COURT ON 18.3.2020 PASSED THE FOLLOWING: R.NARAYANA PISHARADI, J ********** Crl.M.C.No.2324 of 2020 ---------- Dated this the 18th day of March, 2020

ORDER

The petitioner is the accused in the case which is registered as Crime No.203/2019 of the Town North Police Station, Palakkad for the offence punishable under Section 20(b)(ii)B of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. As per Anneure-A1 order dated 22.2.2020, the learned

Additional Sessions Judge, granted bail to the petitioner. One of the conditions of bail is that the petitioner shall execute a bond for Rs.50,000/- with two solvent sureties each for the like amount and that one of such sureties shall be the parent or near relatives of the petitioner. It was also directed by the learned Sessions Judge that the sureties of the petitioner shall produce their original title deed to prove that they are solvent and that the original document of title would be returned to the sureties after verification by the court.

3. This petition is filed under Section 482 Cr.P.C challenging the direction made in Annexure-A1 order that the sureties of the petitioner shall produce original title deed in the court for verification.

4. Heard the learned counsel for the petitioner.

5. I find no illegality or impropriety in the order passed

by the learned Additional Sessions Judge imposing a condition that the sureties shall produce the original title deed to prove that they are solvent to the amount of

the bond to be executed by them. It is to be noted that the petitioner is a person who has got criminal antecedents. Intermediary quantity of ganga was allegedly seized from his possession.

6. It is pertinent to note that the learned Additional

Sessions Judge has not ordered that the original title deeds shall be kept in the custody of the court. It is specifically stated that the original title deeds shall be returned to the sureties after verification of the same by the court. Therefore, I find no sufficient ground to interfere with the aforesaid condition of bail imposed by the learned Additional Sessions Judge in Annexure A1 order.

7. It is also to be noted that the petitioner has

approached this Court without first approaching the court which granted him bail for modification of the conditions of bail. It is not stated what prevented the petitioner from approaching the court which granted him bail for modification or relaxation of the conditions of bail.

8. Consequently, the petition is dismissed. It is made

clear that this order shall not preclude the petitioner from approaching the very same court which granted him bail for modification/relaxation of any of the conditions of bail imposed by that court. Sd/- R.NARAYANA PISHARADI, JUDGE al/- APPENDIX PETITIONERS EXHIBITS : ANNEXURE A1- COPY OF THE ORDER DATED 22.2.2020 IN CRL.M.P. NO.690/2020 IN S.C.NO.368/2019, ON THE FILES OF THE ADDITIONAL SESSIONS COURT-II, PALAKKAD.

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