

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936**

**Bail Appl..No. 758 of 2015 ()**  
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**CRIME NO. 1309/2014 OF HILL PALACE POLICE STATION,ERNAKULAM DISTRICT**  
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**PETITIONER/ACCUSED NO.2:-**  
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**LAWRENCE,S/O.JOSEPH,AGED 57 YEARS,  
CHEMMANATHU VEEDU, KEERELIMALAYIL,  
ATTANI, KUSUMAGIRI P.O., KAKKANADU,  
THRIKKAKARA, ERNAKULAM DISTRICT - 673 066.**

**BY ADVS.SRI.T.K.RAJESHKUMAR  
KUM.APARNA SOMARAJAN**

**RESPONDENTS/COMPLAINANT:-**  
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- 1. S.I OF POLICE,  
HILL PLACE POLICE STATION, TRIPUNITHURA,  
ERNAKULAM DISTRICT, PIN - 682 301.**
- 2. STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA.**

**BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 19-02-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**sts**

**B.KEMAL PASHA, J.**

.....  
B.A. No.758 OF 2015  
.....

Dated this the 19<sup>th</sup> day of February, 2015

**ORDER**

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 2<sup>nd</sup> accused in Crime No.1309/2014 of the Hill Palace Police Station, Ernakulam which is presently pending as S.C.No.544/2014 on the file of the III Additional Sessions Court, Ernakulam registered for the offences punishable under Sections 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act,1985.

3. The allegation against the petitioner and the other accused is that on 11.08.2014 at 9.45 p.m., the petitioner and the other accused were found keeping 11.490 kgs. of ganja at their rented house at Kannankulangara, Nadama Village. The petitioner has been in custody for the period from 11.08.2014 onwards.

4. Heard learned counsel for the petitioner and the

learned Public Prosecutor. Perused the CD.

5. According to the petitioner, he happened to be an accused in another crime registered for an offence punishable under Section 20(b)(ii)(B) of the NDPS Act, involving small quantity of ganja, and on that ground he has been falsely implicated in the present case.

6. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. It seems that the petitioner, along with the first accused were dealing in ganja. 1<sup>st</sup> accused is a habitual offender involved in several overt acts connected with sale of ganja as well as Abkari cases. Having regard to the period undergone by the petitioner in custody, I am of the view that, as a last chance, one more opportunity can be given to the petitioner by enlarging him on bail in this case also, on strict conditions.

7. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two

solvent sureties for the like sum each to the satisfaction of the court below, and subject to the following terms and conditions:-

(i) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 26.02.2015 for a period of six months.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

**Sd/- B.KEMAL PASHA, JUDGE**

ul/-

[True copy]

P.S. to Judge