

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

Bail Appl..No. 1057 of 2015 ()

CRIME NO. 611/2014 OF KUMBLA POLICE STATION , KASARAGOD

PETITIONER/2ND ACCUSED:

T.H.RIYAS, AGED 31 YEARS
S/O HASSAINAR, PERIYADKA, PATHAYAL VILLAGE
NOW RESIDING AT RASHEEDA QUARTERS, PALLAM
KASARAGOD.

BY ADV. SRI.K.PRAVEEN KUMAR

RESPONDENTS/COMPLAINANT/STATE:

1. STATION HOUSE OFFICER
KUMBLA POLICE STATION, KASARAGOD-673121.
2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-COCHIN-31.

R BY PUBLIC PROSECUTOR SMT.LALIZA T.Y

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B. KEMAL PASHA, J.

.....
B.A. No.1057 2015
.....

Dated this the 2nd day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.611/2014 of Kumbala Police Station registered for the offence punishable under Section 20(b)(ii)B of the NDPS Act, 1985.

3. The allegation against the petitioner is that he, along with the other accused, was found handling 4.220 Kg. of ganja at 11 p.m. on 26.11.2014. The petitioner has been in custody for the period from 01.01.2015 onwards.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor.

5. The learned Public Prosecutor has pointed out that the petitioner is a habitual offender and a hardened criminal involved in 18 other criminal cases including cases

for the offences under Sections 302 IPC, 379 IPC, 380 IPC, 377 IPC, etc. It seems that the investigating officer has filed a detailed statement showing the series of serious criminal antecedents on the part of the accused. At the same time, it is pity that the investigating officer has not cared to complete the investigation of this case and to file the final report, evidently which enables the petitioner to get him enlarged on bail under Section 167(2) Cr.P.C. This is the reason why the petitioner is an accused in 18 other criminal cases. It seems that there is deliberate lethargy on the part of the police in completing the investigation of this case. It has to be viewed very seriously. This Court is constrained to enlarge the petitioner on bail under Section 167(2) Cr.P.C.

6. 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 Mondays and Thursdays commencing from 09.03.2015 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)

aks/02/03

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PA to Judge