

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

FRIDAY, THE 17TH DAY OF APRIL 2015/27TH CHAITHRA, 1937

Bail Appl..No. 1876 of 2015 ()

CRIME NO. 908/2014 OF VATTAPPARA POLICE STATION, THIRUVANANTHAPURAM.

PETITIONER/3RD ACCUSED (IN CUSTODY):

ASHIK, AGED 19 YEARS,
S/O. SAIFUDEEN, KUNNUMUKALIL PUTHENVEEDU,
KANYAKULANGARA, VEMBAYAM, THIRUVANANTHAPURAM.

BY ADVS.SRI.A.RAJASIMHAN,
SRI.K.NIRMALAN.

RESPONDENT/STATE:

STATE OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
VATTAPPARA POLICE STATION, THIRUVANANTHAPURAM,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.N. SURESH.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rs.

C.T.RAVIKUMAR, J

B.A.No.1876 of 2015

Dated this the 17th day of April, 2015

ORDER

This petition is filed under section 439 of the Code of Criminal Procedure. The petitioner is the third accused in Crime No. 908/2014 of Vattappara Police Station in Thiruvananthapuram District registered for the offence punishable under section 420 and r/w section 34 of the Indian Penal Code and sections 20(b) (ii) A, 23(a) and 29 of the NDPS Act.

2. The case of the prosecution is that the son of the defacto complainant, Anshar come on leave from Kuwait and when he was about to return on 28.10.2015 the relatives of some other persons working in Kuwait entrusted some materials to him for taking to Kuwait. The first accused brought a container carrying pickle to be taken to A2 in Kuwait. As the weight of the articles is more than permissible quantity stipulated by the airlines some of the articles were left out and

Anshar proceeded to Kuwait leaving such articles at home. Thereafter, the defacto complainant opened the packet and on examination found a packet of ganga covered with insulation tape in the container of pickle and consequently lodged the complaint. The petitioner surrendered before the court on 24.3.2015.

3. I have heard the learned counsel for the petitioner as also the learned Public Prosecutor.

4. The allegation against the petitioner is that the amount to purchase ganga was given by him. The learned counsel for the petitioner submitted that this Court has already granted bail to accused Nos. 1 and 5. Having heard the learned counsel for the petitioner and the learned Public Prosecutor and considering the stage of the investigation and also the fact that the accused Nos.1 and 5 were already enlarged on bail by this Court I am of the view that the bail application can be allowed and the petitioner can be enlarged on bail. In the result this bail application is allowed subject to the following conditions:-

- (i) The petitioner shall be released on bail on his executing a bond for Rs.75,000/- (Rupees

seventy five thousand only) with two solvent sureties each for the like sum to the satisfaction of the court of the Judicial First Class Magistrate, Payyannur

(ii) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Saturdays and Wednesdays commencing from 22.04.2015 for a period of six months.

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

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

(v) 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/-

C.T.RAVIKUMAR,JUDGE.