

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

Bail Appl..No. 5109 of 2015 ()

CRIME NO. 808/2015 OF KOTTAYAM WEST POLICE STATION, KOTTAYAM

PETITIONER/ACCUSED NO.4 :

**RAJESH KUMAR / IRUMBAN RAJESH
AGED 35 YEARS
S/O.KARUNAKARAN ACHARY,
ILLIKKAVELI HOUSE, VDANADU P.O.,
CHERTHALA.**

**BY SENIOR ADVOCATE SRI.S.SREEKUMAR
BY ADVS.SRI.P.MARTIN JOSE
SRI.M.A.MOHAMMED SIRAJ
SRI.P.PRIJITH
SRI.THOMAS P. KURUVILLA
SRI.AJAY BEN JOSE**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A.No.5109 of 2015

Dated this the 7th day of September, 2015

O R D E R

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the 4th accused in Crime No.808 of 2014 of Kottayam West Police Station registered for the offence punishable under Section 20(b)(ii) of the Narcotic Drugs and Psychotropic Substances Act.

3. Prosecution case is that on 15.06.2015 at 11.00 a.m., the first and second accused in the crime possessed dried ganja and they carried it on a Scooter through a public road. At that time, the Police officer intercepted the vehicle and the ensued search revealed commission of the aforementioned offence by accused 1 and 2. It is the case that when they were questioned, the name of one Irimban Rajesh was also revealed. According to the petitioner, he is popularly known as Irimban Rajesh due to his avocation as a sculptor. He has no connection with the offence.

4. Heard the learned counsel for the petitioner and

learned Public Prosecutor.

The materials in the case diary, according to the prosecutor, reveals complicity of Irimban Rajesh in the crime. The offence alleged is one under the NDPS Act. Identity of the accused person has to be ascertained for booking him in the offence. Hence, the petitioner shall surrender before the Investigating Officer within a period of 'two weeks' from today with all documents revealing his identity and the Investigating Officer, after interrogation, if finds complicity of the petitioner in the crime shall produce him before the concerned magistrate. In that event, the petitioner is free to move for regular bail. If the Investigating Officer is satisfied that the petitioner is not at all involved in the crime, then only he shall release him after taking a bond for ₹25,000/- (Rupees Twenty Five Thousand Only) with two solvent sureties for the like sum to the satisfaction of the Investigating Officer.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge