

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

Bail Appl..No. 6261 of 2015 ()

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

PETITIONER/4TH ACCUSED IN CUSTODY:

**ASEEM, AGED 25 YEARS,
S/O.HAKKIM, SHAJI MANZIL, PAKKAMVILAKATH,
KANYAKULANGARA, VEMBAYAM, THIRUVANANTHAPURAM.**

BY ADV. SRI.A.RAJASIMHAN

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 SMT. T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A.HARIPRASAD, J.

B.A.No.6261 of 2015

Dated this the 12th day of October, 2015

O R D E R

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the 4th accused in Crime No.908 of 2014 of Vattappara Police Station registered for the offences punishable under Section 420 r/w Section 34 of the Indian Penal Code and Sections 20(b)(ii)(A) of the NDPS Act.

3. Gist of allegation is that while the son of the defacto complainant was scheduled to leave for Kuwait on 28.10.2014 his friend in Kuwait (second accused) asked him to bring one bottle of pickle which was entrusted by A1 on 27.10.2014. He could not carry the same as it contained 5.6 gram of ganja mixed with the pickle.

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

5. Leaned Public Prosecutor opposed the bail application. Petitioner is in custody from 25.09.2015.

6. Leaned counsel for the petitioner submitted that he has no role in mixing ganja in the pickle.

7. Leaned Public Prosecutor submitted that he is the person who procured the ganja for the second accused.

8. Considering the stage of investigation and the period of detention and also that the petitioner is not involved in any other offence earlier, I am inclined to grant bail to the petitioner with the following conditions:

- (a) The petitioner shall be released on bail on his executing a bond for ₹1,00,000/- (Rupees One Lakhs only) with two solvent sureties for the like sum to the satisfaction of the learned Special Judge.
- (b) The sureties shall produce documents to establish their identity and solvency. The learned Special Judge need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
- (c) The petitioner shall appear before the

Investigating Officer on all Mondays and Thursdays between 10.00 a.m and 11.00 a.m. until the final report is filed.

- (d) The petitioner shall surrender his passport forthwith before the learned Magistrate. If he does not have a passport, he shall file an affidavit to that effect.
- (e) The petitioner shall not intimidate or attempt to influence the witnesses.
- (f) The petitioner shall not in any manner interfere or meddle with the investigation.
- (g) Petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge

