

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

TUESDAY, THE 29TH DAY OF DECEMBER 2015/8TH POUSHA, 1937

Bail Appl..No. 8026 of 2015 ()

CRIME NO. 641/2015 OF PULPALLY POLICE STATION, WAYANAD DISTRICT

PETITIONER/ACCUSED :

**SURESH @ VELLIMOONGA SURESH
S/O.SUBRAMANIAN, AGED 39 YEARS
CHEMMANAMPULLIYIL HOUSE, ANPATHIYARU
AMARAKKUNI P.O., PADICHIRA AMSOM.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS/COMPLAINANTS/STATE :

**1. THE STATION HOUSE OFFICER
PULPALLY POLICE STATION, WYNAD DISTRICT-673579**

**2. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM – 682 031.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. JASMINE V.H.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K.P. JYOTHINDRANATH, J.

B.A. No. 8026 of 2015

Dated this the 29th day of December, 2015

ORDER

This is an application filed under Section 439 of the Code of Criminal Procedure. The case of the petitioner is that he is behind the bars in connection with Crime No.641/2015 of Pulpally Police Station, Wynad. The allegation is that the petitioner has planted two Cannabis Sativa plants in his property and thereby committed offence under Section 20(a)(1) of Narcotic Drugs and Psychotropic Substances Act.

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

3. The learned counsel for the petitioner submitted before me that in this case, actually, the petitioner was not aware that those two plants were Cannabis Sativa plants.

4. The learned Public Prosecutor, at this juncture,

submitted before me that mens rea can be presumed for an offence under the Narcotic Drugs and Psychotropic Substances Act. Under such circumstances, bail may not be granted.

5. After considering all aspects, including the number of plants involved in this case and also keeping in mind that the petitioner was surrendered on 01.12.2015, and the surrender indicates that the petitioner is ready to cooperate with the investigation, I feel that bail can be granted to the petitioner on the following conditions;

- (a)The petitioner shall be released on bail on his executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the learned court having jurisdiction.
- (b)The sureties shall produce documents to establish their identity and solvency. The learned court need not insist on solvency certificate, but, other documents can also be perused to find out whether the sureties are solvent or not.

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(c)The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 a.m and 12.00 a.m. until the final report is filed.

(d)The petitioner shall not intimidate or attempt to influence the witnesses.

(e)The petitioner shall not, in any manner, interfere or meddle with the investigation.

(f)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 to the petitioner hereby is liable to be cancelled, for which, the investigating officer may move application before the jurisdictional court.

Sd/-
K.P. JYOTHINDRANATH
JUDGE