

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

Bail Appl..No. 8078 of 2015 ()

(IN CRIME NO.6/2014 OF MINICOY POLICE STATION, UNION TERRITORY OF
LAKSHADWEEP)

PETITIONER/ ACCUSED:

AHMMED KOYA MANDALI, AGED 49 YEARS,
S/O.C.CHERIYAKOYA, HOUSE NO.518,
C/O.AYSHA, FABEER MANZIL, SOUTH BANDARAM,
MINICOY, UNION TERRITORY OF LAKSHADWEEP.

BY ADV. SRI.K.K.SATHEESH

RESPONDENT(S) :

1. UNION TERRITORY OF LAKSHADWEEP,
REPRESENTED BY THE ADMINISTRATOR, KAVARATHI,
THROUGH STANDING COUNSEL FOR LAKSHADWEEP,
PIN-675 011.

2. STATION HOUSE OFFICER,
POLICE STATION, MINICOY,
UNION TERRITORY OF LAKSHADWEEP,
PIN-675 011.

R1 & 2 BY ADV.SRI.S.RADHAKRISHNAN,SC,LAKSHADWEEP ADMN.
PUBLIC PROSECUTOR MS.R.REMA.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SS

K. RAMAKRISHNAN, J.

Bail Application No.8078 of 2015

Dated this the 22nd day of December, 2015

O R D E R

This is an application for anticipatory bail filed by accused in Crime No.6/2014 of Minicoy police station, Union Territory of Lakshadweep under Section 438 of the Code of Criminal Procedure.

2. The case of the prosecution in nut shell was that, the accused was arrested by the Minicoy police alleging that ganja plant was planted in his property and he was in possession of two grams of ganja, on 30.12.2014, at 22.30 hours and a suo moto case was registered as crime alleging offence under Section 20(a&b) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act and Section 3(a&c) of Lakshadweep Prohibition Regulation (LPR), 1979 and he was released on bail and thereafter the records were

sent to the magistrate court from there it was sent to Sessions Court as it was returned to be presented before the Sessions Court. It is alleged by the petitioner that the police is behind him to arrest in connection with the above crime. So he filed the above application for anticipatory bail.

3. Heard the counsel for the petitioner Sri. K.K. Sathish and Sri.A.S.Radhakrishnan, Standing Counsel for the respondents.

4. The counsel for the petitioner submitted that, he has already been arrested and released on bail and without getting the bail cancelled, they are not entitled to arrest him.

5. Learned standing counsel submitted that he was granted bail by the police and in fact it is a grave offence and he was engaged in cultivation of ganja in his property and investigation to be continued.

6. It is an admitted fact that two grams of ganja was seized from the possession of the petitioner and it is also seen from the suo moto registered crime that, he was also engaged in cultivation of ganja in his property. It was on the basis of his information that ganja is being cultivated in the property, police went to his house and seized the ganja and arrested him. However, it is also an admitted fact that, though a suo moto case is registered for the offence under Section 20(a&b) of NDPS Act and Section 3 (a&c) of Lakshadweep Prohibition Regulation (LPR) Act, he was arrested on 30.12.2014 and released on bail by the police on the same day itself. So far no attempt has been made by the investigating officer to move the concerned court for cancellation of bail. So under the circumstances, unless the bail granted by the police rightly or wrongly has been cancelled by the appropriate court, the petitioner cannot be arrested in respect of the same crime, but it will

open to the investigating officer to move the appropriate court, if they feel that the wrongly granted bail by the police has to be varied, it is up to them to move the appropriate court for that purpose.

With the above direction and observation, the bail application is disposed of.

Sd/-
K. Ramakrishnan, Judge

//True Copy//

P.A. to Judge

SS