

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

Bail Appl..No.8759 of 2014

CRIME NO.1793/2014 OF KATTAPPANA POLICE STATION,IDUKKI DISTRICT.

PETITIONER:

**TOMY ALEX @ KOUSALYA TOMY,AGED 44 YEARS,
NEDUMPURATH HOUSE,KATTAPPANA PO,IDUKKI JUNCTION.**

**BY ADVS.SRI.C.K.VIDYASAGAR
SRI.P.CHANDY JOSEPH**

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682031.**
- 2. SUB INSPECTOR OF POLICE,
KATTAPPANA POLICE STATION-685558.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B.KEMAL PASHA, J.

.....
B.A. No.8759 of 2014
.....

Dated this the 9th day of January, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the 3rd accused in Crime No.1793/2014 of the Kattappana Police Station registered for the offences punishable under Sections 20(b)(ii) and 21 (c) of the Narcotic Drugs and Psychotropic Substances Act,1985.

3. The allegation against the petitioner and the other accused is that on 28.10.2014 at 7.35 a.m. they were found extracting ganja oil from ganja. On seeing the police party, some of the accused, including the petitioner, escaped from the spot. A quantity of 16 kgs. and 400 gms. of dried ganja and a quantity of ganja oil, the weight of which including the

bottle is 2 kgms. and 300 gms. were seized from the spot.

A1 and A2 were arrested.

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

5. According to the petitioner, the petitioner had sustained a motor vehicle accident during September, 2014 whereby both the bones of his left leg were fractured and thereafter he was undergoing treatment. According to him, in such a case, the petitioner could not have ran away from the spot and escaped. The learned Public Prosecutor has produced the report of the investigating officer which shows that the investigation was conducted on the said lines also by the investigating officer. Even though the petitioner was directed by the doctor to appear before him on 07.11.2014 for medical check-up, he had not cared to appear. Over and above it, he had escaped from the spot by a motorbike and not by running. Apart from the above, the investigating officer has reported that the petitioner is an accused in

Crime No.306/02 of the Kumaly Police Station registered for the offences punishable under Sections 20(b)(ii)A and 8(C) read with Section 22 of the NDPS Act and an offence under Section 489(c)(b) read with Section 34 IPC also. Over and above it, he is an accused in Crime No.966/2011 of the Kattappana Police Station for the offences punishable under Sections 452, 308, 324 and 323 read with Section 34 of IPC. Considering his serious criminal background and also the seriousness of the allegations against the petitioner, and especially when the contents of the CD *prima facie* reveal the complicity of the petitioner in this case, this Court is of the view that the petitioner is not entitled to the discretionary relief of anticipatory on bail.

In the result, this bail application is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge