

Bail Application No. 1767 of 2020

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.S. DIAS

FRIDAY, THE 17TH DAY OF APRIL 2020/28TH CHAITHRA, 1942

Bail Application No. 1767 of 2020

(Crime No.189/2020 of Pudukad Police Station, Thrissur District.

Applicant/Accused:

Ramesh Babu, aged 34 years,
S/o.Selvaraj, 8/4, Vinayaka Kovil Street,
Periyapoth, Pollachi, Tamil Nadu.

By Adv.Johnson Varikkappallil.

Respondent/Complainant:

State of Kerala, represented by Public Prosecutor,
High Court of Kerala, Ernakulam – 682 0 31.

By Public Prosecutor Sri.Amjad Ali

THIS B.A. HAVING BEEN FINALLY HEARD ON 17.04.2020, THE COURT ON THE SAME PASSED THE FOLLOWING:

ORDER

This application is filed under Sec.439 of the Code of Criminal Procedure.

2. The petitioner is the accused in crime No.189/2020 of Puthukad Police Station. The petitioner is alleged to have committed offences punishable under Secs 279, 337, 338, and 304 of the Indian Penal Code read with Secs. 187 and 185 of the M.V Act.

3. The petitioner was arrested on 22.2.2020.

4. The prosecution case against the petitioner in brief, is that, on 22.2.2020, he drove his vehicle in a rash and negligent manner and in an inebriated state and hit the vehicle that was driven by the deceased. There were other passengers also in the auto rickshaw who sustained injuries. Hence he has committed the above offences.

5. Heard the learned counsel for the petitioner and the learned Public Prosecutor, through video conferencing.

6. The learned counsel for the petitioner argued that the investigation in the above case is almost complete. The petitioner is in custody for the last 55 days. Therefore, his continuous detention is unnecessary. The learned Public Prosecutor also submitted that the investigation in the case is practically completed.

7. Having regard to the fact that the Hon'ble Supreme Court in WP(C) 1/2020 and the Full Bench of this Court in WP(C) 9400/2020 have issued exhaustive guidelines to de-congest the jails in the country due to the Covid-19 pandemic, and also considering the fact that the investigation in the above case is almost complete and that the petitioner is in custody for the last 55 days, I am inclined

to allow the bail application on the following conditions:

(i) The Superintendent of Jail where the petitioner is incarcerated is directed to release the petitioner on furnishing his phone number and the phone number of his immediate relative. The Superintendent of jail shall verify the above details and release the petitioner to the Station House Officer of the Police Station which has registered the crime, who in turn shall release the petitioner.

(ii) The petitioner shall within one week from the re-opening of the court, if not already re-opened, execute a bond for a sum of Rs.50,000/- with two solvent sureties for the like sum each to the satisfaction of the jurisdictional court.

(iii) The petitioner shall appear before the Investigating Officer as and when required by the

investigating officer till the final report/charge sheet is laid.

(iv) The petitioner shall not tamper with the evidence or influence the witnesses the case in any manner whatsoever.

(v) The petitioner shall not commit any offence while on bail.

(vi) The petitioner shall not leave the country without the permission of the jurisdictional court.

8. Needless to mention that if the petitioner violates any of the conditions above, the Station House Officer shall be at liberty to approach the jurisdictional court and file appropriate applications, seeking for cancellation of bail.

**C.S.DIAS
JUDGE**

sks/17.4.2020