

**Bail Application No. 1905 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. 1905 of 2020**

(Crime no. 26/2020 of Valappad police Station, Thrissur District)

**APPLICANT/ SOLE ACCUSED:-**

Sasi, aged 60, S/o Velayudhan , Kunthara House, Valappad village, Desom,  
Thrissur District

By Adv.Jothin Babu.**RESPONDENT/COMPLAINANT:-**

1. Station House Officer, Valappad Police Station, Thrissur, PIN- 680 567
2. State of Kerala, represented by the Public Prosecutor, High Court of Kerala, Ernakulam, PIN- 682031

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.26/2020 of Valapad Police Station. The petitioner is alleged to have committed offences punishable under Secs 450, 354A, 354B, 376(2) of the Indian Penal Code read with Secs. 3,4,5,6,7,8,9 and 10 of the PoCSO Act.

3. The petitioner was arrested on 15.1.2020.

The petitioner's application for bail filed before the Sessions Court was dismissed on 4.3.2020.

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

5. The learned counsel for the petitioner argued

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that the petitioner was arrested on 15.1.2020, which is today the 94<sup>th</sup> day. He contended that the final report has not been filed by the Investigating Officer till date. Hence he is entitled for statutory bail as provided under Sec.167(2) of the Code of Criminal Procedure.

6. The aforesaid submission is not disputed by the learned Public Prosecutor.

7. Having regard to the fact that the final report has not been laid even after a lapse of 90 days, the petitioner is entitled for statutory bail as provided under Sec.167(2) of the Code of Criminal procedure. Hence, 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

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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.

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(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