

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE T.V.ANILKUMAR

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

Bail Appl.No.2121 of 2020

IN CRL.MC NO.420/2020 ON THE FILE OF THE SPECIAL JUDGE FOR  
THE TRIAL OF OFFENCES UNDER POSCO ACT, THALASSERY  
IN CRIME NO. 48/2020 OF CHAKKARAKKAL POLICE STATION.

PETITIONER/ACCUSED:

SRI. P. BABU, AGED 59 YEARS,  
S/O. RAMUNNI, SINDHU, THILANOOR PO,  
KAPPAD, KANNUR DISTRICT.

BY SENIOR ADV. SRI. RAMAKUMAR  
ADV. SRI. T. RAMAPRASAD UNNI

RESPONDENTS/COMPLAINANT AND STATE:

STATION HOUSE OFFICER,  
CHAKKARAKKAL POLICE STATION,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-682 031.

BY PUBLIC PROSECUTOR SRI.RAMESH CHAND

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
17.04.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ORDER**

**Dated this the 17<sup>th</sup> day of April, 2020**

The applicant seeking regular bail is the accused in Crime No.48 of 2020 of Chakkarakkal Police Station, registered under Sections 354B, 376(2) (n) and 376AB of the Indian Penal Code and Sections 6 r/w. 5(l)(m)(p) and Sections 10 r/w. 9(l)(m) of the Protection of Children From Sexual Offences Act, 2012.

2. I have perused the prosecution allegations in the crime and the necessary documents on record. I have also heard the learned Additional Director General of Prosecution and the learned Senior Counsel appearing for the applicant via video conferencing.

3. According to the prosecution, the victim girl subjected to penetrative sexual assault was aged 9 ½ years and the applicant is said to be her neighbour. It is submitted that charge sheet has already been laid before the jurisdictional Court after completion of the investigation. Having regard to the progress made in the investigation and also the reasonable period of detention undergone by the accused, I am of the opinion that release of

accused on bail at this stage will not affect the interest of investigation adversely. Consequently bail is granted.

4. It is ordered that the concerned Jail Superintendent shall release the accused after taking a personal bond for Rs.50,000/- (Rupees fifty thousand only) from him without insisting for sureties, in the name of the jurisdictional Court, on his undertaking to appear before the jurisdictional court on or before 25.05.2020 in view of the current situation that he will not be able to secure the presence of sureties during the ongoing period of national lockdown already declared by the Government pursuant to the outbreak of Covid-19 (corona virus), issuing restrictions on movements of the citizens across the country. If the period of lockdown continues any further, the accused will be at liberty to appear before the jurisdictional Court and execute bond for Rs.50,000/- (Rupees fifty thousand only) with sufficient number of solvent sureties for the like sum subject to the satisfaction of the court within 10 days after the prevailing restriction on movement is lifted.

5. The applicant shall not, in any circumstance, meet or contact the victim girl or her near relatives till the conclusion of the trial and further,

he shall not enter the place or the vicinity of the area, where the victim girl resides.

6. Until the accused executes the bail bond before the jurisdictional Court with the sureties, he shall appear before the investigating officer every Monday and Friday between 10 a.m. and 11 a.m. In case the accused resides outside the local limit of the concerned police station, he shall appear before the police station nearest to his residence. The police officer concerned shall by all means ensure that the attendance of the accused at the station house is subject to the observance of norms as regards social distancing and other restrictions imposed by the State.

7. The accused shall not interfere with the investigation during the above period in any manner whatsoever nor shall he influence and intimidate the witnesses or tamper with evidence. He shall also not indulge in criminal activities while being on bail. He shall not leave the territory of the district where he is staying, without prior permission of the jurisdictional Court except for attending the court in case he is already staying outside the jurisdictional limit of the Court.

8. The jurisdictional Court while taking bond from the accused on his

appearance along with two solvent sureties for the like sum, will be at full liberty to impose or modify any condition which it deems appropriate to the interest of dispensation of criminal justice including those as to attendance of accused before the investigating officer.

9. In any event, the accused fails to appear before the Court as ordered and to execute the bond, the jurisdictional Court will have necessary power either to extend the time on reasonable grounds or cancel the bail on being satisfied that the non attendance before the Court was unjustified. So also, it is hereby provided that, if contravention of any of the bail conditions is reported, the jurisdictional Court shall have power to revoke the bail on proof of allegations made against the accused.

10. The Jail Superintendent while taking the bond shall also collect the address details of the accused where he would be physically available during the above period and also the contact details of his close relatives to chase his whereabouts. He shall send the address and contact details of the accused, so collected to the jurisdictional police station for information along with the crime no and also forward the bond taken from the accused to the jurisdictional court.

11. The Investigating Officer shall, during this period, keep a vigil over the accused and take necessary steps to ensure that he does not violate the bail conditions.

12. The learned Public Prosecutor shall communicate a copy of this order to the concerned police station for information and follow up.

All pending interlocutory applications are closed.

**T.V.ANILKUMAR  
JUDGE**

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