

BA 2203 of 2020

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.S. DIAS

FRIDAY, THE 28TH DAY OF APRIL 2020/8TH VAISAKHA, 1942

Bail Application No. 2203 of 2020

(CRIME NO. 144 OF 2020 OF ALAPPUZHA POLICE STATION, ALAPPUZHA DISTRICT)

AGAINST COMMON ORDER DATED 1.4.2020 IN BA NOS 1781 AND 2203 OF 2020

Petitioner/ Accused No.1:

Midhun, Aged 23 years/2020,  
S/o Pradeep, Njaliparambil,  
Mekkadamp P.O, Valakam Panchayath,  
Ward -6, Muvattupuzha, Ernakulam.

By Adv. Anitha Mathai Muthirenthy

Respondent :

State of Kerala, SHO,  
Alappuzha South Police Station.  
Through the Public Prosecutor,  
High Court of Kerala

By Public Prosecutor Sri.Ajith Murali

THIS B.A. HAVING BEEN FINALLY HEARD ON 28.04.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ORDER**

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

2. This Court by its common order dated 1.4.2020 in BA Nos 2203 and 1781 of 2020 had granted the petitioner provisional bail for a period of thirty days from the date of order. As per Condition No.5 (e), the petitioner was directed to appear before the jurisdictional Court and seek regular bail on the expiry of thirty days or within three days after the withdrawal of the lock down.

3. It is the case of the petitioner that as the Courts are not functioning due to the national lock down and the thirty days period is to expire on 1.5.2020, the petitioner may be granted bail by this Court.

4. The Division Bench of this Court has categorically directed the petitioner to move the jurisdictional Court and seek regular bail within the aforementioned time period. The said direction cannot be modified in a subsequently filed bail

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application. However, taking into consideration the peculiar facts and circumstances of the case and the adverse situation prevalent in the State due to Covid-19 pandemic and the resultant national lock down and non-functioning of the Courts, I enlarge the time period fixed by this Court in the common order dated 1.4.2020, and direct the petitioner to approach the jurisdictional Court and seek for regular bail on or before 30.5.2020. The jurisdictional Court shall consider and dispose of such application, on its merits, in accordance with law, if so filed.

With the above observation the bail application is disposed of.

**C.S.DIAS**  
**JUDGE**

sks/28.4.2020