

B.A NO.2328 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 2020/28<sup>th</sup> Chaithra 1942

B.A NO.2328 of 2020

(Crime No. 86/2020 of Mala Police station, )

**Petitioner**/ Accused No.2

Nibin @ Parunth Nibin, aged 30 years,  
S/o.Andrewss, Aanappattuvila House,  
Guruthippala Desom, Annallur Village,  
Thrissur District.

By Adv. Dheerendrakrishnan

**Respondents**/Complainants:

1. Sub Inspector of Police,  
Mala Police Station, Pin 680 732.
2. State of Kerala represented by Public Prosecutor,  
High court of Kerala, Ernakulam – 682 031.

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 Section 439 of the Code of Criminal Procedure.

2. The petitioner is the 2<sup>nd</sup> accused in Crime No.86 of 2020 of the Mala Police Station. The petitioner and the other accused in the crime are alleged to have committed the offences punishable under Sections 143, 147, 148, 341, 323, 324, 308, 506 r/w Section 149 of the Indian Penal Code.

3. The prosecution case in brief is that, the petitioner and the other accused out of their previous animosity towards the defacto complainant, formed into an unlawful assembly with the common object, armed with dangerous weapons, hit the defacto complainant and his friend. The petitioner had allegedly hit the defacto complainant on his chest. Hence, the petitioner and the other accused have allegedly committed the above offences.

4. The petitioner was arrested on 10.03.2020.

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 accused 3 to 5 were granted anticipatory bail by this Court in B.A.No.1213 of 2020. Similarly, the 1<sup>st</sup> accused was granted regular bail by the Sessions Court within 14 days after his arrest.

7. The learned Public Prosecutor opposed the application. He contended that the petitioner's application was rejected by the Magistrate in view of his antecedents. He prayed that the bail application be dismissed.

8. Having regard to the fact that all the other accused in the above crime have already been enlarged on bail and also in view of the directions issued by the Hon'ble Supreme Court in W.P.(C) No.1 of 2020 and a Full Bench of this Court in W.P.(C) No.9400 of 2020, in view of the COVID-19 pandemic, I am inclined to grant bail to the petitioner.

9. In the result, this this bail application is allowed 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 also the phone number of his immediate relative. The Superintendent of the jail shall verify the details furnished by the petitioner and release the petitioner to the Station House Officer of the Police Station where the crime has been registered, who shall in turn release the petitioner.

(ii) The petitioner shall within one week from the re-opening of the jurisdictional court, if not already opened, shall execute a bond for a sum of Rs.50,000/- (Rupees fifteen thousand only) 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 on all Saturdays between 10.00 a.m and 11 a.m for a period of one month from today.

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

10. 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 the bail.

**C.S.DIAS, JUDGE**