

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 08TH DAY OF MAY 2020 / 18TH VAISAKHA, 1942

BA NO.2397 OF 2020

(Crime No. 724/2020 of Chengannur Police Station, Alappuzha District)

Petitioner/Accused no. 2

Sagar G, aged 21 years, Son of Gopalan,
Vettikkala Thekkecaeruvil, Peringala PO,
Chengannur, Alappuzha District.

By ADVS. Sri. G. Hariharan, Praveen Hariharan & Smitha Praveen

Respondents/Complainants

State of Kerala, represented by

The Public Prosecutor, High Court of Kerala, Ernakulam

By P.P. Sri.Ajith Murali & Santhosh Peter(Sr)

**THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON
08.05.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

P.V.KUNHIKRISHNAN, J

B.A.No.2397 of 2020

Dated this the 8th day of May, 2020

O R D E R

This Bail Application filed under Section 439 of Criminal Procedure Code was heard through Video Conference.

2. Petitioner is the accused in Crime No.724/2020 of Chengannur Police Station registered alleging offences punishable under Sections 143, 147, 148, 326 and 307 r/w 149 IPC. Petitioner was arrested on 21.3.2020 and he is in custody.

3. The prosecution case is that in furtherance of their common intention to attack the defacto complainant's son Rajeev, accused Nos 1 to 3 along with 13 other identifiable accused persons unlawfully assembled with deadly weapons like iron rod, stick etc. and assaulted him and thereby sustained serious injuries.

4. This Court granted bail to one of the accused as per the order dated 28.4.2020 in B.A TMP No.142/2020. I also granted

bail to another accused today in B.A.No.2488/2020. Since some of the accused are already released on bail, I think, this bail application also can be allowed. But, it is to be noted that, there are two other cases registered against this petitioner in which serious offences are alleged. The learned Public Prosecutor submitted that more stringent conditions may be imposed as far as the petitioner in this case is concerned.

5. Considering the fact that the other accused is already released on bail and considering the submission of the learned Public Prosecutor, this bail application can be allowed. Actually, I am not inclined to entertain this bail application considering the serious nature of the injury sustained by the victim. But since one of the accused, who also participated in this case is granted bail by this Court as per order dated 28.4.2020 in B.A.TMP No.142/2020, I allowed the bail application of yet another accused as per B.A. No.2488/2020. I do not want to take a different view as far as this case is concerned. Hence this bail application is allowed.

6. Hence this Bail Application is allowed with the following directions:

1. The Superintendent of Jail concerned

where the petitioner is incarcerated is directed to release the petitioner on bail on executing a self bond ensuring that they will appear before the Court concerned as and when required, if he is not in detention in any other case. It is further directed that the Superintendent of Jail should get the bail bond from the petitioner as stipulated in Section 441 Cr.P.C.

2. The Superintendent of Jail concerned shall also get the phone number and the address at which the petitioner would be residing after his release.

3. The Superintendent of Jail concerned, immediately after release of the petitioner will forthwith forward the bail bond obtained from the petitioner to the jurisdictional Court.

4. The petitioner immediately after release from the prison, report before the Station House Officer of the Jurisdictional Police Station and shall furnish his phone number and the place where they are going to reside. The Station House Officer concerned shall keep a vigil on the whereabouts of the petitioner and shall ensure that the petitioner do not violate the terms of the undertaking.

5. The petitioner shall appear before the Investigating Officer as and when required. The

petitioner shall co-operate with the investigation and shall not threaten or attempt to influence the witnesses or tamper with the evidence.

6. The petitioner shall within one week from the commencement of the functioning of the jurisdictional court, if the court is not functioning at present, execute a bond for Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court.

7. The petitioner shall not enter the jurisdiction of the Chengannur Police Station in Alappuzha District till the final report is filed in this case.

8. The petitioner shall strictly abide by the various guidelines issued by the State Government and Central Government with respect to keeping of social distancing and other directions in the wake of declared lock-down.

9. If any of the above conditions are violated by the petitioner, the jurisdictional Court can cancel the bail in accordance to law, even though the bail is granted by this Court.

**P.V.KUNHIKRISHNAN
JUDGE**

