

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.2488 OF 2020

**(In Crime No. 724 / 2020 of Chengannur Police Station in
Alappuzha District)**

PETITIONER / 3RD ACCUSED

Gokul Mohan, aged 21 years,
S/o Mohanan,
Lekshmi Nivas,
Neduvaramocdu Muri,
Cheriyanaad Village.

By Adv. Sri. K.V.Anil Kumar

RESPONDENTS / STATE & COMPLAINANT

1. State of Kerala represented by the Public Prosecutor,
High Court of Kerala, Ernakulam.
2. Station House Officer,
Chengannur Police Station, Alappuzha District.

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.2488 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 3rd 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. The counsel for the petitioner submitted that the other

accused were already released on bail as per order dated 28.4.2020 in B.A.TMP.No.142/2020. In that bail application the petitioner was the 1st petitioner. His bail application was not pressed at that time because there was a submission from the learned Public Prosecutor that he is involved in another case.

5. Now the learned Public Prosecutor, after instructions submitted that, he is not involved in any other case and the submission of the learned Public Prosecutor in the other bail application was wrong. The learned Public Prosecutor submitted that, if this Court is granting bail to the petitioner, stringent conditions may be imposed.

6. It is a fact that, the injured sustained serious injury. But considering the fact that the other accused is already released on bail and also considering the submission of the learned Public Prosecutor, I think that, the bail application can be allowed. I am allowing this bail application only because the other accused is released on bail.

7. 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.

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P.V.KUNHIKRISHNAN
JUDGE