

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

B.A.No.2626 /2020

**Crime No. 676/2019 of Vadakkencherry Police Station, Palakkad District.**

**Applicants/Accused Nos.1 and 5 to 8.**

1. Shaju, aged 29 years  
S/o.Vahab, Pradhani House,  
Vadakkencherry, Palakkad.
2. Vineeth, aged 22 years,  
S/o.Pakan, Parakkal House,  
Vakkode, Vadakkencherry,  
Alathur, Palakkad.
3. Abdul Rouf, aged 20 years,  
S/o.Abdul Rahiman, Pradhani,  
Vadakkencherry, Palakkad.
4. Afreed.M, aged 24 years,  
S/o.Musthafa, Pradhani,  
Vadakkencherry, Palakkad.
5. Vipinraj, aged 19 years,  
S/o.Selvaraj, Pradhani,  
Vadakkencherry, Palakkad.

By Adv. Johnson Varikkappallil

**Respondent/Complainant:**

1. State of Kerala, represented by Public Prosecutor, High Court of Kerala, Ernakulam-682031.
2. The Sub Inspector of Police, Vadakkencherry Police Station, Alathur, Palakkad-678683.

SRI. AJITH MURALI, PP  
SRI. SANTHOSH PETER SR.PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.05.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**P.V.KUNHIKRISHNAN, J**

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B.A.No.2626 of 2020  
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Dated this the 8<sup>th</sup> 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. Petitioners/applicants are accused nos.1,5,6,7 & 8 in Crime No.676 of 2019 of Vadakkencherry Police Station registered alleging offences punishable under Sections 143, 147, 148, 341, 323, 324, 308 and 506(ii) read with Section 34 of IPC.

3.The prosecution case is that on 12.11.2019 the defacto complainant was attacked by the accused when he attempted to take Mr.Shiji to the hospital. The case of the prosecution is that the injured sustained serious injuries.

4. The counsel for the petitioner submitted that the petitioners are in custody from the middle of April, 2020 onwards and they are ready to abide any conditions if this court grant bail.

5. The learned Public Prosecutor opposed the bail application. The learned Public Prosecutor submitted that the petitioners are involved in other cases also. According to the learned Public Prosecutor the 1<sup>st</sup> petitioner is involved in eight criminal cases. The learned Public Prosecutor also submitted that petitioners 2 to 4 also involved in one other case. As far as the 5<sup>th</sup> petitioner is concerned no other case is reported, accordingly the Public Prosecutor.

6. After considering the facts and circumstances of this case, I think the 1<sup>st</sup> petitioner is not entitled bail. He is involved in eight other criminal cases with similar allegations. In the such circumstances, I am not inclined to consider the bail application of the 1<sup>st</sup> petitioner at

this stage in the light of the facts and circumstances of this case.

7. As far as the petitioners 2 to 5 are concerned, I think their bail application can be considered now. As far as 5<sup>th</sup> petitioner is concerned, no other case is registered. Of course, one case is registered against accused nos.2, 3 and 4, in addition to the present case. But in the light of the fact that, the petitioners are in custody from 18.4.2020 onwards, I think petitioners 2 to 5 can be released at this stage. Hence, the bail application of petitioners 2 to 5 are allowed with the following directions:

1. The Superintendent of Jail concerned where the petitioners are incarcerated is directed to release the petitioners on bail on executing a self bond ensuring that they will appear before the Court concerned as and when required, if they are not in detention in

any other case. It is further directed that the Superintendent of Jail should get the bail bond from the petitioners 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 petitioners would be residing after their release.

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

4. The petitioners immediately after release from the prison, report before the Station House Officer of the Jurisdictional Police Station and shall furnish their 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 petitioners and shall ensure that the petitioners do not violate the terms of the undertaking.

5. The petitioners shall appear before the Investigating Officer as and when required. The petitioners shall co-operate with the investigation and shall not threaten or attempt to influence the witnesses or tamper with the evidence.

6. The petitioners 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 petitioners 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.

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

The bail application of the 1<sup>st</sup> petitioner is dismissed.

**P.V.KUNHIKRISHNAN, JUDGE**

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