

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.V.KUNHIKRISHNAN

MONDAY, THE 11TH DAY OF MAY, 2020 / 21ST VAISAKHA, 1942

B.A. NO. 2657/2020

(CRIME NO.660/2019 OF KAIPAMANGALAM POLICE STATION,
THRISSUR DISTRICT)

PETITIONERS/ACCUSED 1-3:

- 1.HIMA ANIL, W/O.ANIL, AGED 37 YEARS, PALLIPARAMBIL HOUSE,
EDAMUTTOM.P.O., VALAPPAD VILLAGE, THRISSUR -680568.
- 2.ANIL, S/O.VASUDEVAN, AGED 49 YEARS, PALLIPARAMBIL HOUSE,
EDAMUTTOM.P.O., VALAPPAD VILLAGE, THRISSUR -680568.
- 3.VASUDEVAN, S/O.AYYAPPAN, AGED 85 YEARS, PALLIPARAMBIL HOUSE,
EDAMUTTOM.P.O., VALAPPAD VILLAGE, THRISSUR -680568.

BY ADV. C.A. CHACKO

RESPONDENTS/COMPAINANT:

- 1.THE STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH
COURT OF KERALA, ERNAKULAM-682031.
- 2.THE STATION HOUSE OFFICER, KAIPAMANGALAM POLICE STATION,
THRISSUR DISTRICT-680681.

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

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
11.05.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J

B.A. No. 2657 of 2020

Dated this the 11th day of May, 2020

ORDER

This Bail Application filed under Section 438 of Criminal Procedure Code was heard through Video Conference.

2. The petitioners are the accused Nos.1 to 3 in Crime No.660/2019 of Kaipamangalam Police Station. Above case is registered against the petitioners alleging offences punishable under Sections 306 & 201 r/w 34 of the IPC.

3. The prosecution case is that, the 1st petitioner was having financial transactions with the deceased 'Manikandan' and she owed an amount of Rs.16,25,000/- to him, which he raised by pledging gold ornaments of his sisters and friends. When he demanded back the money, the petitioners declined the same and accordingly 'Manikandan' committed suicide on

7.7.2019. Hence, the prosecution allege that the petitioners have committed offences punishable under Sections 306 & 201 r/w 34 of the IPC.

4. The counsel for the petitioners submitted that the case is registered on the basis of a private complaint. Accordingly to him, even if the prosecution case is accepted, it is only a money dispute and no criminal offence is made out. Moreover, he also submitted that the relatives of the deceased have already filed a suit before the civil court.

5. The learned Public Prosecutor submitted that if this Court is granting bail to the petitioners, stringent conditions may be imposed.

6. After hearing both sides, I think this bail application can be allowed. Moreover, considering the need to follow social distancing norms inside prisons so as to avert the spread of the novel Corona Virus Pandemic, the Hon'ble Supreme Court in **Re: Contagion of COVID-19 Virus In Prisons case (Suo Motu Writ Petition(C) No.1 of 2020)** and a Full Bench of

this Court in **Writ Petition(C) No.9400 of 2020** issued various salutary directions for minimizing the number of inmates inside prisons.

7. Moreover, it is a well accepted principle that the bail is the rule and the jail is the exception. The Hon'ble Supreme Court in ***Chidambaram P. v Directorate of Enforcement (2019 (16) SCALE 870)***, after considering all the earlier judgments, observed that, the basic jurisprudence relating to bail remains the same inasmuch as, the grant of bail is the rule and refusal is the exception so as to ensure that the accused has the opportunity of securing fair trial.

8. Considering the dictum laid down in the above decision and considering the facts and circumstances of this case, this Bail Application is allowed with the following directions:

1. The petitioners shall appear before the Investigating Officer within ten days from today and shall undergo interrogation.

2. After interrogation, if the Investigating Officer proposes to arrest the petitioners, they shall be released on bail on executing separate bonds for a sum of Rs.50,000/-(Rupees Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer concerned.

3. 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.

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

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

P.V.KUNHIKRISHNAN, JUDGE

MMG