

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN**

**FRIDAY, THE 15TH DAY OF MAY 2020 / 25TH VAISAKHA, 1942**

**BA NO.2684 OF 2020**

(CRIME NO-379 OF 2020 OF MUVATTUPUZHA POLICE STATION,  
ERNAKULAM DISTRICT)

Petitioner:

Rasal T.U S/O Ummer  
Aged 34 years, Thottiyil house,  
Adooparambu Kara,  
Muvattupuzha  
Ernakulam District

By Adv. Sri Ajeesh M Ummer

Respondent/complainants:

1. State Of Kerala, Represented By The Public Prosecutor,  
High Court Of Kerala, Ernakulam, Kochi-682 031.
2. The Sub Inspector Of Police,  
Muvattupuzha Police Station,Ernakulam District.-  
Pin-683572

By P.P. Sri.B.Jayasurya (SR) & C.K.Prasad

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON  
15.05.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**P.V.KUNHIKRISHNAN, J.**

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**B.A.No. 2684 of 2020**

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**Dated this the 15<sup>th</sup> day of May, 2020**

**O R D E R**

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

2. The petitioner is one of the accused in Crime No.379 of 2020 of Muvattupuzha Police Station. The above case is registered against the petitioner and others alleging offence punishable under Sections 364A, 341, 342, 323, 324, 294(b), 506(ii) r/w Section 34 of the Indian Penal Code.

3. The prosecution case in brief is that, on 27.02.2020 at about 7 p.m., the brother of the defacto complainant was abducted for ransom and assaulted by the accused. The allegation against the petitioner is that he helped the accused to identify the victim in this case.

4. The learned counsel for the petitioner submitted that, the petitioner has no involvement in this case. He has no criminal antecedents. He also submitted that the main

accused in this case is already arrested and released on bail by this Court.

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

6. After hearing both sides, I think, this bail application can be allowed. It is an admitted fact that the main accused is already arrested and released on bail. Even as per the prosecution case, the allegation against the petitioner is that, the petitioner helped the accused to identify the victim. In the light of the facts and circumstances of this case, this bail can be allowed on stringent conditions.

7. 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 **W.P(C)No.9400 of 2020** issued various salutary directions for minimizing the number of inmates inside prisons.

8. 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.

9. 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 petitioner shall appear before the Investigating Officer within ten days from today and shall undergo interrogation.

2. After interrogation, if the Investigating Officer propose to arrest the petitioner, he shall be released on bail executing a bond 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 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.

4. The petitioner 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 The petitioner shall not enter the jurisdictional limits of Muvattupuzha Police Station, till final report is filed in Crime No.379/2020.

6. 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.

Sd/-

**P.V.KUNHIKRISHNAN,  
JUDGE**