

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 12TH DAY OF MAY 2020 / 22ND VAISAKHA, 1942

BA NO.2718 OF 2020

(CRIME NO: 875/2013 OF PARASALA POLICE STATION
THIRUVANANTHAPURAM DISTRICT)

PETITIONER/1st ACCUSED

Kingsly Stephen/ 1st Accused, aged 38,
S/O Stephen, Market Vilagam,
Chinnathurai, Thuthoor P.O,
Kanyakumari District, Tamilnadu

By Adv Sri R. Sunil Kumar
Smt A. Salini Lal
Sri Arun Krishna

RESPONDENTS/COMPLAINANTS

1. State of Kerala, represented by the Public Prosecutor
High Court of Kerala, Ernakulam, Kochi-682031
2. The Sub Inspector of Police, Parasala Police Station
Thiruvananthapuram District

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

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 12.05.2020,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J

B.A.No. 2718 of 2020

Dated this the 12th 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. 875 of 2013 of Parasala Police Station. The above case is registered against the petitioner alleging offences punishable under Sections 143, 147, 148, 341, 324, 396 and 302 of IPC. Petitioner was arrested on 15.01.2020 and he is in custody.

3. The prosecution case is that the accused with a common intention to commit dacoity and murder, attacked a vehicle bearing No.KL-16-K-5484 in which witnesses numbers 1 to 6 were travelling and which contained 124 boxes of fish and committed dacoity of the fish and in the meanwhile in the attack one of the person in the above vehicle succumbed to the injuries. Investigating Officer submitted final report, as far as

accused nos. 2 to 12, and the case is now pending before the trial court as S.C.No.551/2018. But, the charge was not submitted against the petitioner, because he was absconding. Now the petitioner was arrested on 15.01.2020.

4. The counsel for the petitioner submitted that, the petitioner is in custody from 15.01.2020 onwards. He is in custody for more than 90 days. Even now, the final report is not submitted. Hence he is entitled statutory bail under Section 167 Cr.P.C.

5. The learned Public Prosecutor submitted that, it is true that the investigation is not completed, but the charge sheet against the petitioner also will be filed soon. The learned Public Prosecutor submitted that, if this Court is granting statutory bail to the petitioner, stringent conditions may be imposed.

6. In the light of the facts and circumstances of this case, I think bail can be granted. Admittedly, the petitioner is arrested on 15.01.2020. Even now he is in custody. The investigation of the case against the petitioner is not completed

and the final report is not submitted even now. The petitioner is in custody for more than 90 days. In such circumstances, the petitioner is entitled statutory bail under Section 167 of Cr.P.C. 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 he 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 he is going to reside. The Station House Officer concerned shall keep a vigil on the whereabouts of the petitioner and shall ensure that the petitioner does 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 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. The petitioner shall not enter the jurisdiction limit of Parasala Police Station, till final report is filed in Crime No.875/2013.

9. The petitioner shall appear before the

Investigating Officer on all Mondays and Fridays at 10.00 a.m., till final report is filed.

10. The petitioner can enter the jurisdiction limit of Parasala Police Station for complying the condition nos.4,5,9.

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

P.V.KUNHIKRISHNAN, JUDGE