

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.2743 OF 2020

(Crime No. 113/2020 of Ponnani Police Station, Malappuram District)

PETITIONER/ ACCUSED No. 1:

ASKAR, S/o ALI
AGED 33 YEARS,
THURAKKAL HOUSE,
GULAB NAGAR, NARIPARAMBU,
ESWARAMANGALAM P.O., KALADI
MALAPPURAM DISTRICT
PIN- 676 102.

By Adv. Smt. Noorji Noushad

RESPONDENTS/COMPLAINANTS:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
PIN- 682 031
2. THE STATION HOUSE OFFICER
PONNANI POLICE STATION,
PONNANI SOUTH P.O.
MALAPPURAM DISTRICT
PIN- 676 519.

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.2743 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 1st accused in Crime No.113 of 2020 of Ponanni Police Station. The above case is registered against the petitioner alleging offences punishable under Sections 457, 511 of 380 read with Section 34 of the Indian Penal Code.

3. The prosecution case is that on 08.03.2020, at 3.30 am, petitioner found along with one Ashique attempting to break open the door of the first floor of a house which belongs to one Ravi Kumar and upon the information from the neighbours, the police caught him red handed.

4. The counsel for the petitioner submitted that the petitioner is in custody from 08.03.2020 onwards. He

submitted that he is entitled statutory bail.

5. The learned Public Prosecutor submitted that the final report is not submitted and the petitioner can be released on statutory bail on stringent conditions.

6. After hearing both sides and considering the fact that the petitioner is entitled statutory bail under Section 167 Cr.P.C, I think this bail application can be allowed, especially in the light of the fact that no final report is filed within the statutory period.

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

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 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 lockdown.

8. 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

VPK