

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.2780 /2020

(CRIME NO. 292 OF 2020 OF ANGAMALY POLICE STATION, ERNAKULAM
DISTRICT)

APPLICANTS/ACCUSED

1. KIRAN SHAJI, AGED 23 YEARS, S/O SHAJI,
NEDUVELIL (H), YORDHANAPURAM P.O,
ERNAKULAM, PIN 683577
2. AMOS BABU, AGED 20 YEARS,
S/O BABU JOSEPH, KAITHARATH (H),
MATTOOR P.O, KALADY, ERNAKULAM, PIN 683574

BY ADV. SRI JOHN S. RALPH, SRI. JOHN THOMAS, SRI. SHAIJAN
JOSEPH, SRI. VISHNU CHANDRAN, KUM. KEERTHANA SUDEV,
SRI. RALPH R. JOHN

RESPONDENTS

1. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN 682031
2. THE SUB INSPECTOR OF POLICE,
ANGAMALY POLICE STATION, ERNAKULAM DISTRICT,
PIN 683572

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

B.A.No.2780 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. Petitioners are the accused nos. 1 and 2 in Crime No.292 of 2020 of Angamaly Police Station. The above case is registered against the petitioners and others alleging offences punishable under Sections 143, 147, 148, 447, 506(2) and 308 read with 149 of IPC and under Section 9(B) (1)(b) of the Explosives Act.

3. The prosecution case is that on 29.02.2020, the accused nos.1 to 7 formed an unlawful assembly and attacked the defacto complainant using country bombs. The further allegation is that they trespassed into the compound of the defacto complainant and used sword and knife resulting in injuries to the defacto complainant. The

petitioners are in custody from 11.03.2020 onwards.

4. The counsel for the petitioners submitted that the petitioners are entitled statutory bail under Section 167 Cr.P.C. with effect from tomorrow.

5. The learned Public Prosecutor submitted that, on stringent conditions, the bail can be granted to the petitioners.

6. After hearing both sides and in the light of the submission made by the learned Public Prosecutor, this bail application is 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 does 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.

P.V.KUNHIKRISHNAN, JUDGE

VPK