

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.2782/2020

(CRIME No.1841/2019 OF KOTHAMANGALAM POLICE STATION,
ERNAKULAM)

PETITIONER/ACCUSED No.2:

ARSHAD, AGED 26 YEARS, S/O. MAKKAR, CHITTATHUKUDI HOUSE,
KOTTAPPADY VILLAGE, AYIROORPADAM PO, UPPUKANDAM.

BY ADV.SRI.BIJU.C.ABRAHAM

RESPONDENT/STATE:

1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
KOTHAMANGALAM POLICE STATION, ERNAKULAM DISTRICT.

SRI.SRI.AJITH MURALI, PUBLIC PROSECUTOR
SRI.SANTHOSH PETER SR.PUBLIC PROSECUTOR

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.2782 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. The petitioner is the 2nd accused in Crime No.1841/2019 of Kothamangalam Police Station. The above case is registered against the petitioner alleging offences punishable under Sections 450, 461 and 394 read with Section 34 of the Indian Penal Code.

3. The prosecution case is that, in furtherance of their common intention, on 05.02.2019 at 2 am., the accused trespassed into the house of the de facto complainant, broke open a door of the kitchen, caused grievous hurt to the husband of the de facto complainant by beating with spanner and wrongfully confined him into a room in the house. It is further alleged that the petitioner committed theft of gold

ornaments worth Rs.2,45,000/- along with an amount of Rs.3,000/- and thereby committed the above offence.

4. The learned counsel for the petitioner submitted that, the 1st accused in the case is already released on bail by this Court as a temporary measure in Bail Appln.No.2159/2020. Subsequently, the 1st accused approached the court below and the court below granted bail to the 1st accused on 07.05.2020.

5. The learned Public Prosecutor submitted that, in the light of the fact that the 1st accused is already released on bail, this bail application can be allowed.

6. Considering the facts and circumstances of this case and in the light of the submission of the learned Public Prosecutor, this bail application is allowed with the following conditions:-

1. The Superintendent of Jail concerned where the petitioner/the 2nd accused is incarcerated is directed to release the petitioner/the 2nd accused 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/the 2nd accused will forthwith forward the bail bond obtained from the petitioner/the 2nd accused to the jurisdictional Court.

4. The petitioner/the 2nd accused 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/the 2nd accused shall appear before the Investigating Officer as and when required. The petitioner/the 2nd accused shall co-operate with the investigation and shall not threaten or attempt to influence the witnesses or tamper with the evidence.

6. The petitioner/the 2nd accused 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/the 2nd accused 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 petitioner/the 2nd accused, the jurisdictional Court can cancel the bail in accordance with law, even though the bail is granted by this Court.

P.V.KUNHIKRISHNAN, JUDGE

skj