

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. 2786 /2020

(IN CR.NO.1146/2013 OF VADANAPPALLY POLICE STATION/ CRIME
BRANCH 107/CB/TSR/2018)

PETITIONERS/ACCUSED

1. AKHIL 29/20
S/O AYYAPPANKUTTY
KIZHAKKODAN HOUSE, VETTUKADU,
CHEMBAMKADAM DEOM
PUTHURVILLAGE.
2. AARON 32/20
S/O VIJAYARATHNAM
ERANEZHATH HOUSE, THALIKKULAM
3. VISHNU 27/20
S/O RAJU
PACHAMPULLY HOUSE, NADUVILKARA, VADANAPPILI.

ADV.R.KRISHNA RAJ

RESPONDENTS/COMPLAINANT

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. DETECTIVE INSPECTOR,
CRIME BRANCH, THRISSUR.

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.2786 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 in Crime No.1146/2013 of Vadanappally Police Station and Crime Branch 107/CB/TSR/2018. The above case is registered against the petitioners alleging offences punishable under Sections 341, 324, 326, 308 read with Section 34 of IPC.

3. The prosecution case is that the petitioners wrongfully restrained the defacto complainant and assaulted him. The case of the prosecution is that the defacto complainant sustained grievous hurt.

4. The counsel for the petitioners submitted that petitioners are entitled to statutory bail. According to the counsel for the petitioners the 1st accused was arrested on

13.03.2020 and 2nd and 3rd accused were arrested on 12.03.2020

5. The learned Public Prosecutor submitted that the petitioners are entitled statutory bail under Section 167 Cr.P.C and he has no objection in granting bail with stringent conditions.

6. After hearing both sides, this bail application can be allowed, because there is no objection from the learned Public Prosecutor also. Hence 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