

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 06TH DAY OF MAY 2020 / 16TH VAISAKHA, 1942

B.A.TMP NO.104 OF 2020

(CRIME NO.124/2020 of COYALMANNAM POLICE STATION,
PALAKKAD DISTRICT)

Petitioner/Accused No.2.

Soumya Muraleedharan ,
Aged 24 years,
D/o. Muraleedharan, M.S.Nivas,
Devi Nagar,Andi Madam,
Kadukkamkunnam.P.O,
Palakkad - Kerala.678 651

By: Adv.Sri.Renjith B.Marar

Respondents/ State

1. State of Kerala Represented by
The Public Prosecutor, High
Court of Kerala, Ernakulam 682 031
2. The Sub Inspector of Police
Coyalmannam Police Station, Palakkad.
- .

BY P.P.SRIAJITH MURALI & SANTHOSH PETER(SR)

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 06.05.2020,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 06TH DAY OF MAY 2020 / 16TH VAISAKHA, 1942

B.A.TMP NO.108 OF 2020

(CRIME NO.69/2020 of PATTAMBI POLICE STATION,
PALAKKAD DISTRICT)

Petitioner/Accused No.2.

SoumyaMuraleedharan ,
Aged 24 years,
D/o. Muraleedharan, M.S.Nivas,
Devi Nagar,Andi Madam,
Kadukkamkunnam.P.O,
Palakkad - Kerala.678 651

By: Adv.Sri.Renjith B.Marar

Respondents/ State

1. State of Kerala Represented by
The Public Prosecutor, High
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BY P.P.SRIAJITH MURALI & SANTHOSH PETER(SR)

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 06.05.2020,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J

B.A.TMP Nos. 104 and 108 of 2020

Dated this the 6th day of May, 2020

O R D E R

This Bail Application filed under Section 438 of Criminal Procedure Code was heard through Video Conference.

2. Petitioner is the 2nd accused in Crime No.124 of 2020 of Coyalmanam Police Station and Crime No.69 of 2020 of Pattambi Police Station. The above cases are registered against the petitioner alleging offences punishable under Section 420 of IPC, Sections 3 and 4 of the Kerala Prevention of Money Laundering Act, 2002 and Sections 3,4,5 and 6 of the Prize Chits and Money Circulation Scheme

(Banning) Act, 1978.

3.The prosecution case is that the defacto complainant and several others invested huge amount in a firm by name M/s.GEN TO GEN TREND ENTERPRISES, Tamil Nadu. It is alleged that the firm because of some financial irregularities was not able to return the money. The petitioner is a staff in the firm.

4. The counsel for the petitioner submitted that several cases are registered against the petitioner at different places and this court as per Annexure A2 order granted bail to the petitioner. The order dated 28.11.2019 in BA No.7857 of 2019 is produced as an Exhibit. The counsel for the petitioner submitted that in the light of the above order and other similar circumstance the petitioner may be granted bail.

5.The learned Public Prosecutor concedes that in

similar cases petitioner was granted bail.

6.Considering the facts and circumstance of this case and in the light of the fact that in all other connected cases the petitioner is on bail, I think this bail application also can be allowed.

7. Moreover, considering the need to follow social distancing norms inside prisons so as to avert the spread of the novel Corona Virus Pandemic, the Hon'ble Supreme Court in **Re: Contagion of COVID-19 Virus In Prisons case (Suo Motu Writ Petition(C) No.1 of 2020)** and a Full Bench of this Court in **W.P(C)No.9400 of 2020** issued various salutary directions for minimizing the number of inmates inside prisons.

8. Moreover, it is a well accepted principle that the bail is the rule and the jail is the exception. The Hon'ble Supreme Court in **Chidambaram. P v**

Directorate of Enforcement (2019 (16) SCALE 870), after considering all the earlier judgments, observed that, the basic jurisprudence relating to bail remains the same inasmuch as the grant of bail is the rule and refusal is the exception so as to ensure that the accused has the opportunity of securing fair trial.

9. Considering the dictum laid down in the above decision and considering the facts and circumstances of this case, this Bail Application is allowed with the following directions:

1. The petitioner shall appear before the Investigating Officer within ten days from today and shall undergo interrogation.
2. After interrogation, if the Investigating Officer propose to arrest the petitioner, he shall be released on bail executing a bond for

a sum of Rs.50,000/-(Rupees Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer concerned.

3. 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.

4. The petitioner shall strictly abide by the various guidelines issued by the State Government and Central Government with respect to keeping of social distancing in the wake of declared lock-down.

5. If any of the above conditions are violated by the petitioner, the jurisdictional

Court can cancel the bail in accordance to law,
even though the bail is granted by this Court.

P.V.KUNHIKRISHNAN,

JUDGE

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