

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 30TH DAY OF APRIL 2020 / 10TH VAISAKHA,
1942

BAIL APPL.TMP NO. 168 OF 2020

(CRIME NO. 434 OF 2020 OF YEROOR POLICE STATION, KOLLAM
DISTRICT)

PETITIONER/ACCUSED NO. 1:

PRAVEEN P.L. , AGED 26YEARS,
S/O PRASAD, ANJALI BHAVAN,
AGASTYACODE, ANCHAL P.O., KOLLAM DISTRICT -
691306.

BY ADV. ACHUTH KYLAS

RESPONDENTS/COMPLAINANTS:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682031.
2. THE STATION HOUSE OFFICER,
YEROOR POLICE STATION, YEROOR,
KOLLAM - 691312.

BY PUBLIC PROSECUTOR SMT.M.K.PUSHPALATHA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.04.2020, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

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V.G.ARUN, J.

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Dated this the 30th day of April, 2020.

ORDER

Petitioner is the first accused in Crime No.434/2020 of Yeroor Police Station, Kollam. The allegation is that at around 8a.m. on 10.04.2020 the petitioner along with the second accused were found to be in possession of one litre of arrack and utensils and equipments for the manufacture of arrack. The offence alleged against the petitioners are under Section 8(1), 8(2) and 55(g) of the Kerala Abkari Act. The petitioner was arrested on 10.04.2020 and is continuing in custody.

2. I have heard learned Public Prosecutor also.

3. Considering the fact that the contraband seized from the petitioner is only one litre of arrack and the further fact that the petitioner has no criminal antecedents, I deem it appropriate

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to grant the bail to the petitioner subject to the following conditions:

The well accepted principle of bail being the rule and jail the exception, has been reiterated by the Honourable Supreme Court time and again. [See *Nikesh Tarachand Shah v. Union of India [2018 (11) SCC 1 and P.Chidambaram v. Directorate of Enforcement [AIR 2019 SC 5272]*].

Considering the need to follow social distancing norms inside prisons so as to avert the spread of the novel Corona-virus pandemic, the Honourable 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 minimising the number of inmates inside prisons. Having due regard to the above mentioned orders/directions the petitioner is directed to be enlarged on bail subject to the following conditions;

- i) The petitioner shall furnish to the

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Superintendent of the jail where he is incarcerated, his phone number and the address at which he would be residing after his release. The petitioner shall also provide the address of his proposed sureties and two of his near relatives and submit an undertaking that on release, he would abide by the conditions of the lock down imposed by the Central and State Government and be in quarantine, if so required.

- ii) On the aforementioned conditions being satisfied, the Superintendent of the Jail shall release the petitioner with due intimation about such release to the Station House Officers of the Police Station where the crime against the petitioner has been registered and the Police Station within the jurisdiction of which the petitioner would be residing.
- iii) Immediately after release from prison, the petitioner shall report before the Station House Officer of the jurisdictional Police Station and shall produce a copy of the

undertaking he had furnished before the Jail Superintendent. The Station House Officer concerned shall keep vigil on the whereabouts of the petitioner and shall ensure that the petitioner do not violate the terms of the undertaking.

- iv) The petitioner shall, within one week from commencement of functioning of the jurisdictional court, if the court is not functioning at present, execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Court.
- v) The petitioner shall co-operate with the investigation and shall not threaten or make any attempt to influence witnesses or tamper with the evidence.

**V.G.ARUN
JUDGE**