

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.204 OF 2020

(CRIME NO. 78/2020 OF KONDOTTY POLICE STATION,
MALAPPURAM DISTRICT)

PETITIONER/ 8TH ACCUSED:-

ISMAYIL,
AGED 30 YEARS, S/O. SEETHIKUTTY,
KORAMMUNTE PURAKKAL HOUSE,
PARIYAPURAM POST,
TANUR, MALAPPURAM DISTRICT

BY ADVOCATE SRI. K.P. SUDHEER

RESPONDENTS/ COMPLAINANTS:-

1.STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682031.

2.THE STATION HOUSE OFFICER,
KONDOTTY POLICE STATION, KONDOTTY,
MALAPPURAM DISTRICT, PIN - 673 638

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

The petitioner is the 8th accused in Crime No.78 of 2020 of Kondotty Police Station. The crime has been registered alleging commission of offences punishable under Sections 341, 363, 377, 506 and 395 of the Indian Penal Code. The arrest of the petitioner has been recorded on 25.02.2020 and the learned counsel for the petitioner submits that all the other accused i.e, accused nos.1 to 7 have already been granted bail by the Sessions Court, Manjeri.

2. I have heard the learned Public Prosecutor also who also admit the fact that other accused have been released on bail.

3. 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].

4. 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.

In such circumstances, I am inclined to allow the bail application subject to the following conditions:-

- i) The petitioner shall furnish to the 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

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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 does not violate the terms of the undertaking.
- iv) The petitioner shall, within one week from commencement of functioning of the

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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**

YKB/30.4.2020