

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.220 OF 2020

(CRIME NO. 220/2020 OF TIRUR POLICE STATION, MALAPPURAM
DISTRICT)

PETITIONERS / ACCUSED 1 TO 6 :-

- 1.SAFEER RAHMAN, AGED 30 YEARS,
S/O SATHAR, ALATHIL PARAMBIL HOUSE,
ILLATHAPPADAM, KAKKADAVU,
TIRUR TALUK, MALAPPURAM DISTRICT.
- 2.NIDHEESH, AGED 23 YEARS,
S/O KARAPPAN, KAVUNGAL HOUSE, EZHUR,
TIRUR (PO), MATHILINGAL, , MALAPPURAM DISTRICT.
- 3.SUDHEESH KUMAR @ ACHAYAN
AGED 42 YEARS, S/O MURALI, PILLAVILAYAKATH HOUSE,
ILLATHAPPADAM, TIRUR (PO), , MALAPPURAM DISTRICT.
- 4.MUBEEN@MUBEE, AGED 27 YEARS
S/O HAIDER, PUNNAYIL HOUSE, KAKKADAVU, KOTTU
TIRUR (PO), MALAPPURAM DISTRICT.
- 5.MUHAMMED ARSHAD, AGED 26 YEARS,
S/O RAHEEM, PALLATHA HOUSE, VAILATHUR (PO)
TIRUR TALUK, MALAPPURAM DISTRICT.
- 6.NASARUDHEEN SHA, AGED 26 YEARS,
S/O KUNHIMOIDEEN, KILLATH PARAMBIL HOUSE,
TIRUR (PO), KAKKADAVU, MALAPPURAM DISTRICT.

BY:-

ADV. C.M. MOHAMMED IQUABAL

BAIL APPL.TMP NO.220 OF 2020

-2-

RESPONDENT/STATE:-

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

BY PUBLIC PROSECUTOR SRI.AJITH MURALI

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

V.G.ARUN, J.

B.A. TMP No. 220 of 2020

Dated this the 30th day of April, 2020.

ORDER

The petitioners are the accused nos.1 to 6 in Crime No.220 of 2020 of Tirur Police Station registered alleging commission of offences punishable under Sections 394 and 384 of the Indian Penal Code. The crime has been registered based on a complaint of one Mr.Abdul Jaleel on 14.03.2020 that, on 10.03.2020 while he along with a female colleague were discussing official work while sitting inside his car parked on the road side, the accused trespassed into the car and forcefully took custody of their laptop and Rs.8,000/- along with mobile phone and wrist watches. The accused was also alleged to have taken photographs of the de facto complainant and his female friend. The accused forced the de facto complainant to withdraw Rs.20,000/- using his ATM Card and

snatched away the money. The further allegation is that, subsequently by threatening that they will post the photographs taken by them in the social media, the accused collected an amount of Rs.2,10,000/- from the de facto complainant. The learned counsel for the petitioners would submit that even though the incident is alleged to have happened on 10.03.2020, the complaint was laid much later, which is indicative of the falsity of the complaint.

2. I have heard the learned Public Prosecutor also. The learned Public Prosecutor would submit that the investigation is almost complete and the offence committed is of a heinous nature.

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.

With due regard to the above mentioned orders and considering the fact that the petitioners have been in custody from 14.03.2020 onwards and do not have any other criminal antecedence, I am inclined to grant bail to the petitioners subject to the following stringent conditions:-

- i) The petitioners shall furnish to the Superintendent of the jail where they are incarcerated, their phone number and the address at which they would be residing after their release. The petitioners shall also provide the address of their proposed sureties and two of their near relatives and submit an undertaking that on release, they 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 petitioners with due intimation about such release to the Station House Officers of the Police Station where the crime against the petitioners have been registered and the Police Station within the jurisdiction of which the petitioners would be residing.
- iii) Immediately after release from prison, the petitioners shall report before the Station House Officer of the jurisdictional Police Station and shall produce a copy of the undertaking they had furnished before the Jail Superintendent. The Station House Officer concerned shall keep vigil on the whereabouts of the petitioners and shall ensure that the petitioners do not violate the terms of the undertaking.
- iv) The petitioners 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 petitioners 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