

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.24 OF 2020

(CRIME NO.92/2020 OF ANGAMALY POLICE STATION)

PETITIONER/ACCUSED:

JISMON, AGED 34 YEARS,
S/O.VARGHESE,
THEKKINETH HOUSE,
PERINGAPARAMBU,
THURAVOOR VILLAGE.

BY ADV. SRI AJEESH M.UMMER

RESPONDENT

STATE OF KERALA, (SHO ANGAMALY P.S),
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
PIN - 682 031.

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:

ORDER

The petitioner is the sole accused in Crime No.92 of 2020 of Angamaly Police Station registered for commission of offences punishable under Section 20(b) (ii)B of NDPS Act.

2. The prosecution allegation is that the petitioner was found in possession of 1.730 kg of dried Gunja on 22.1.2020. The contraband was seized and the petitioner was arrested on the same day.

3. The learned counsel for the petitioner submits that the petitioner is having a locomotor disability of 52%, his right hand having been amputated consequent to an accident.

4. The learned Public Prosecutor submits that the petitioner was involved in similar offences earlier during the period 2014 - 2017. Considering the fact that the petitioner has been continuing in custody from 22.1.2020 and that the final report was laid on 16.3.2020. I am inclined to allow the bail application.

5. 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 the circumstances the application is allowed and the petitioner directed to be released on bail 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 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**

ska