

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.V. ANILKUMAR

TUESDAY, THE 21ST DAY OF APRIL, 2020 /1ST VAISAKHA, 1942

BAIL APPL.NO.TMP 60 of 2020

CRIME NO. 292/2020 OF ANGAMALY POLICE STATION,
ERNAKULAM DISTRICT

PETITIONERS/ACCUSED:

1. KIRAN SHAJI, AGED 23 YEARS,
S/O SHAJI, NEDUVELIL (H), YORDHANAPURAM P.O,
ERNAKULAM, PIN 683577
2. AMOS BABU, AGED 20 YEARS,
S/O BABU JOSEPH, KAITHARATH (H), MATTOOR P.O,
KALADY, ERNAKULAM, PIN 683574
3. NIKHIL RAJEEV, AGED 24 YEARS,
S/O RAJEEV, MANACKAPARAMBIL (H), MANJAPRA P.O,
CHANDRAPURA, ERNAKULAM, PIN 683574
4. THOMAS MATHEW, AGED 27 YEARS,
S/O MATHEW, EDASSERY (H), MANICKAMANGALM P.O,
THOTTAKAM, ERNAKULAM, PIN 683574

BY ADV. SRI JOHN S. RALPH

RESPONDENTS/COMPLAINANT/STATE:

1. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM, PIN 682031
2. THE SUB INSPECTOR OF POLICE, ANGAMALY POLICE STATION,
ERNAKULAM DISTRICT. PIN 683572

BY SR.PUBLIC PROSECUTOR SRI.C N PRABHAKARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
21.04.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Dated this the 21st day of April, 2020

O R D E R

The applicants are accused Nos. 1, 2, 4 and 7 seeking regular bail in Crime No.292/2020 of Angamaly Police Station registered under Sections 143, 147, 148, 447, 506(2) and 308 r/w 149 of the IPC and under section 9(B)(1)(b) of the Explosives Act.

2. I have perused the prosecution allegations in the crime and also the necessary documents on record. I have also heard the learned Public Prosecutor and the learned counsel for the accused via video conferencing.

3. The prosecution allegation is that the accused, forming themselves into an unlawful assembly hurled country bombs on to the house of the defacto complainant and wielded swords causing injuries to three persons. The learned Public Prosecutor opposed the bail contending that these accused have got criminal antecedents. But it is seen that so far as accused Nos. 4 and 7 are

concerned, they have not been involved in any other crimes after 2019 and 2017 respectively. Further, the alleged injuries are only minor in nature. Further more, it was brought to my notice that accused Nos. 3, 5 and 6 were already released on bail in this crime. As regards A1 and A2, they stand on somewhat different footing and their criminal antecedents are on higher side.

4. Having regard to the progress made in the investigation and also the reasonable period of detention undergone by the accused, I am of the opinion that release of accused 4 and 7 on bail at this stage will not affect the interest of investigation adversely. Consequently bail is granted to accused nos. 4 and 7. The bail sought by Nos. 1 and 2 is dismissed.

5. It is ordered that the concerned Jail Superintendent shall release the accused A4 and A7 after taking a personal bond for Rs.50,000/- each (Rupees fifty thousand only) from them without insisting for sureties, in the name of the

jurisdictional Court, on their undertaking to appear before the jurisdictional Court on or before 25-5-2020 in view of the current situation that they will not be able to secure the presence of sureties during the ongoing period of National lockdown already declared by the government pursuant to the outbreak of covid-19 (coronavirus), issuing restrictions on movements of the citizens across the country. If the period of lockdown continues any further, the accused will be at liberty to appear before the jurisdictional Court and execute bond for Rs.50,000/- (Rupees fifty thousand only) with sufficient number of solvent sureties for the like sum subject to the satisfaction of the Court within 10 days after the prevailing restriction on movement is lifted.

6. Until the accused execute the bail bond before the jurisdictional Court with the sureties, they shall appear before the Investigating Officer every Monday and Friday between 10 a.m. and 11 a.m. In case the accused reside outside the local limit

of the concerned Police Station, they shall appear before the Police Station nearest to his residence. The Police Officer concerned shall by all means ensure that the attendance of the accused at the station house is subject to the observance of norms as regards social distancing and other restrictions imposed by the State.

7. The accused shall not interfere with the investigation in any manner whatsoever nor shall they influence and intimidate the witnesses or tamper with evidence. They shall not also indulge in criminal activities while being on bail. They shall not also leave the territory of the District where they are staying, without prior permission of the jurisdictional Court except for attending the court in case they are already staying outside the jurisdictional limit of the Court.

8. The jurisdictional Court while taking bond from the accused on their appearance along with two solvent sureties for the like sum, will be at full liberty to impose or modify any condition which it

deems appropriate to the interest of dispensation of criminal justice including those as to attendance of accused before the Investigating Officer.

9. If, in any event the accused fail to appear before the Court as ordered and execute the bond, the jurisdictional Court will have necessary power either to extend the time on reasonable grounds or cancel the bail on being satisfied that the non attendance before the Court was unjustified. So also it is hereby provided that, if contravention of any of the bail conditions is reported, the jurisdictional Court shall have power to revoke the bail on proof of allegations made against the accused.

10. The Jail Superintendent while taking the bond shall also collect the address details of the accused where he would be physically available during the above period and also the contact details of his close relatives to chase his whereabouts. He shall send the address and contact details of the accused, so collected to the jurisdictional Police

Station for information along with the crime number and also forward the bond taken from the accused to the jurisdictional Court.

11. The Investigating Officer shall during this period keep a vigil over the accused and take necessary steps to ensure that they do not violate the bail conditions.

12. The learned Public Prosecutor shall communicate a copy of this order to the concerned Police Station for information and follow up.

All pending interlocutory applications are closed.

T.V.ANILKUMAR
JUDGE

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