

B.A TMP NO.43 of 2020

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.S. DIAS

FRIDAY, THE 17TH DAY OF APRIL 2020/28<sup>th</sup> CHAITHRA 1942

B.A TMP NO.43 of 2020

(Crime No. 210/2019 of Nedupuzha Police Station, Thrissur District)

**Applicant/Accused**

Nidheesh, aged 27 years, S/o. Sathyanandhan, Kallukattayil  
House, Vadakkekad, Thrissur-79562

By.Adv.P.K.Varghese

**Respondent/Complainant:**

State of Kerala, represented by Public Prosecutor, High Court of  
Kerala-682031.

By Public Prosecutor Sri.Amjad Ali

THIS B.A. HAVING BEEN FINALLY HEARD ON 17.04.2020, THE  
COURT ON THE SAME PASSED THE FOLLOWING:

ORDER

This application is filed under Section 439 of the Code of Criminal Procedure. The petitioner is the accused in Crime No.210 of 2019 of the Nedupuzha Police Station. The petitioner is the sole accused in the above crime.

2. The petitioner is alleged to have committed the offences punishable under Sections 452, 322 and 302 of the Indian Penal Code.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor, through video conferencing.

4. When the above application was came up for consideration, the learned counsel for the petitioner submitted that this court by its order dated 17.2.2020 in B.A No.872 of 2020 had granted the petitioner interim bail for a period of three days

to meet his ailing father. The learned counsel confies his prayer to be granted the same benefit as granted by this court in BA No.872 of 2020. The prayer is not seriously opposed by the learned Public Prosecutor.

5. In view of the outbreak of the Covid 19 pandemic in the country and also the directions issued by the Hon'ble Supreme Court in WP(c).No.1 of 2020 and also the directions issued by the Full Bench of this court in WP(C).No.9400 of 2020, I feel that the petitioner can be granted the benefit of interim bail for a period of 14 days, to meet his ailing father.

6. In the said circumstances, especially considering the order dated 17.2.2020 passed by this court in BA No.872 of 2020, I direct that the petitioner be released on interim bail for a period of

14 days from the date of his release. The said arrangement is purely an interlocutory one in order to facilitate the petitioner to meet his ailing father only.

7. In the result this bail application is disposed of by directing the Superintendent of the Jail to release the petitioner on interim bail for a period of 14 days. The same shall be informed to the Station House Officer of the police station where the crime has been registered. The petitioner shall file an undertaking before the Jail Superintendent concerned that he would return to Jail after the stipulated period of 14 days. The Investigating Officer shall oversee that the petitioner remains with his father at his parental home during the said period and that he returns back to the jail after the stipulated time period of 14 days.

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**C.S.DIAS, JUDGE**

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### **Petitioner's Exhibits:**

**Annexure A:** True Copy of the interim order dated 17.02.2020 passed by this Hon'ble court in B.A No.872/2020.