

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 54 of 2020

CRIME NO 791/2019 OF VALLIKUNNAM POLICE STATION,
ALAPUZHA DISTRICT

PETITIONER/ACCUSED:

REMANAN, AGED 47 YEARS,
S/O. GOPALAN PILLAI, RENJITH BHAVANAM,
VETTICKODU MURI, KATTANAM,
ALAPPUZHA DISTRICT, PIN: 690 503
NOW RESIDING AT KANDATHIL VEEDU,
BHARANICKAVU SOUTH, KATTANAM VILLAGE,
ALAPPUZHA DISTRICT, PIN: 690 503.

BY ADV. SRI. OMAR SAILIM

RESPONDENTS/COMPLAINANT/STATE:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, COCHIN - 682 031.
2. SUB INSPECTOR OF POLICE,
VALLIKUNNAM POLICE STATION,
ALAPPUZHA DISTRICT, KERALA, PIN: 690 501.

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:

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Dated this the 21st day of April, 2020

O R D E R

The applicant seeking regular bail is the sole accused in Crime No.0791 of 2019 of Vallikunnam Police Station registered under Section 376 of IPC.

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 allegation is that the accused committed rape of the defacto complainant, a women aged 75 years in his own house. He is an under-trial prisoner in SC No.947 of 2019 before the Additional Sessions Court Mavelikkara.

4. The accused is in judicial custody since 01.08.2019. The learned Senior Public Prosecutor vehemently opposed the plea for bail. On the other hand , the learned Counsel for the accused submits that the accused is a person having physical disability of 72% non united fracture of his leg following a road accident

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after the date of commission of the offence. His submission is that the accused is badly in need of a surgery for amputation of his leg. Having considered the above submission of the accused, I am of the opinion that some liberal approach shall be taken in the matter after imposing reasonable restrictions. The long period of detention undergone by the accused, I am of the opinion that release of accused on bail will not affect the interest of prosecution. Consequently bail is granted.

5. It is ordered that the concerned Jail Superintendent shall release the accused after taking a personal bond for Rs.50,000/- (Rupees fifty thousand only) from him without insisting for sureties, in the name of the jurisdictional Court, on his undertaking to appear before the jurisdictional Court on or before 25.5.2020 in view of the current situation that he 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

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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 executes the bail bond before the jurisdictional Court with the sureties, he shall appear before the Investigating Officer every Monday and Friday between 10 a.m. and 11 a.m. In case the accused resides outside the local limit of the concerned Police Station, he 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 influence and intimidate the witnesses or tamper with evidence. The accused shall not meet or contact the defacto complainant or visit her residence or vicinity till the conclusion of trial. He

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shall not also indulge in similar criminal activities while being on bail. He shall not also leave the territory of the District where he is staying, without prior permission of the jurisdictional Court except for attending the court in case he is already staying outside the jurisdictional limit of the Court.

8. The jurisdictional Court while taking bond from the accused on his 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.

9. If, in any event the accused fails 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.

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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 he does 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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