



## THE HIGH COURT OF KERALA

No: R-10/2020-(SS)

Kochi : 682 031  
Dated : 30.03.2020

### OFFICIAL MEMORANDUM

Sub: Threat of Corona virus - Guidelines for hearing and disposal of  
Bail Applications during the period of lock down of Courts- reg-  
Ref: High Court O.M. of even number dated. 24.3.2020.

In continuation of the O.M. referred to above the following guidelines are  
issued on the above subject matter :

#### Who can file

An undertrial/remand accused who is not covered by the order of the Full  
Bench of the High Court of Kerala dated 30-3-2020 in Suo Motu W.P(C) No.  
9400/2020 can apply.

#### Which is the competent Court

Principal or Additional District and Sessions Judge holding charge of the  
District.

#### Procedure for filing Bail Application

1. Send an e-mail in the official e-mail ID of the Court requesting the Judge to  
consider his application. It shall contain case/crime number, name of the  
police station, offence alleged, name and address of the accused, Advocate's  
phone number(WhatsApp/Google Duo) and such other details;

2. The Judge will inform the advocate in a reply mail, if permission is granted;
3. The advocate then shall send by e-mail to the Court scanned copies of his/her photo ID Card, duly signed Bail Application and vakalath/memo of appearance. Advocate shall also send a declaration that a copy of the Bail Application has been served on the Public Prosecutor, by sending a copy in his/her official e-mail ID;
4. The originals of all the above mentioned documents with necessary stamps shall be submitted in Court within three days of withdrawal of lock down and resumption of normal functioning of Courts.

### **Court Procedure**

1. On taking a printout the Judge shall assign a temporary number to the Bail Application. The Judge will hear the Public Prosecutor and the advocate who filed the application through video conferencing (Group Call through WhatsApp/ Google Duo as selected by the Judge) on the next possible date and time, which would be informed in advance;
2. The Public Prosecutor may file, by sending a copy through e-mail to the Court and the Advocate, a report/ objection in the matter;
3. The report shall contain the date of commission of offence, nature of offence/s, dates of arrest and remand etc.;
4. Regular numbering of the Bail Application shall be done once the lock down is withdrawn and the Courts start normal functioning;
5. After such hearing the Judge may pass an order on the application as per law. The signed copy of the order shall be scanned and sent through e-mail to the Advocate and the Public Prosecutor.

### **Release of the accused**

1. If sureties are required to be produced, the same procedure as in the case of filing Bail Application shall be followed by the Advocate. He/she shall upload scanned copies of the required documents including the bail bond signed by the sureties to the Judge who after verification will send through

e-mail to the Jail Superintendent release memo along with the form of bail bond. A copy of the release memo shall be sent to the Advocate also;

2. The Jail Superintendent after due verification will release the accused upon getting his signature in the print out of the bail bond following the Rules and procedure.

(By Order)



K. Haripal  
Registrar General

N.B. Official e-mail IDs of all Sessions Courts and Public Prosecutors are to be shared with the Bar Associations for facilitating filing and processing of Bail Applications. E-mail ID's of Public Prosecutors are to be supplied to the respective Sessions Courts as well.

To

All Principal District and Sessions Judges