

B.A.No.1481/2020

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. RAJA VIJAYA RAGHAVAN

SATURDAY, THE 4TH DAY OF APRIL, 2020/15TH CHAITHRA, 1942

B.A NO.1481 OF 2020

(CRIME NO. 44 OF 2020 OF PALARIVATTOM POLICE STATION,
ERNAKULAM)

PETITIONER/ACCUSED NO.2

Vishnu, Aged 24 , S/o. Sumangala,
Kadavissery House , Eruva Nirayil Mukku Bhagam,
Kayamkulam, Karthikappally Taluk.

By Adv.
Sri.M.R.SASITH PANICKER

RESPONDENTS:

- 1 State of Kerala, represented by Public Prosecutor,
High Court of Kerala ,Ernakulam.
- 2 The Sub Inspector of Police, Palarivattom Police Station,
Ernakulam. Pin – 682 017.

By SR. P.P. SRI. SUMAN CHAKRAVARTHY

This Bail Application having come up for admission on 04/04/2020, the Court on the same day passed the following:-

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RAJA VIJAYARAGHAVAN V., J

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Dated this the 4th day of April, 2020

ORDER

This application is filed under Section 439 of the Code of Criminal Procedure, 1973.

2. The applicant herein is the 2nd accused in Crime No.44 of 2020 of Palarivattom Police Station registered under Sections 394, 397, 398 and 506(ii) r/w. Section 34 of the IPC. He was arrested in connection with the aforesaid crime on 13.2.2020 and he remains in judicial custody ever since.

4. Heard the learned counsel appearing for the applicant and the learned Public Prosecutor.

5. I have gone through the records which are made available.

6. A lockdown has been imposed in the Country and the citizens therein have been advised to practice social distancing and to quarantine themselves. The Hon'ble Supreme Court as well as a Full bench of this Court has issued directions to decongest the Jails. In that view of the matter, the applicant herein can be granted provisional bail for a period of 30 days from today.

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In the result, this application will stand allowed. The Superintendent of the jail wherein the applicant is incarcerated is directed to release the applicant provisionally on bail on the applicant executing a personal bond without sureties. The above order shall be subject to the following conditions:

- i. The applicant shall furnish to the Jail Superintendent, the permanent place of his abode, and he shall undertake that he will remain in quarantine for a period of 30 days from the date of this order. He shall also furnish his phone number and the phone number of his immediate relative. Before releasing the accused, the Superintendent of Jail concerned shall verify the above details. The Superintendent of Jail shall also intimate the release of the applicant to the Station House Officer of the Police Station which has registered the crime.
- ii. On being released from prison, the applicant shall report before the jurisdictional police station and shall furnish a copy of the undertaking furnished before the Jail Superintendent. The SHO concerned shall ensure that the applicant does not leave the premises, where he has undertaken to remain in quarantine till such time the lockdown period continues in force, otherwise than for emergent situations, and exceptional reasons provided under the orders passed by Central and State Governments, for COVID-19 pandemic.
- iii. The applicant shall not enter the limits of the Palarivattom Police Station except for complying with the directions issued by the Police or for appearing before the jurisdictional court.

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- iv. The applicant shall not tamper with the evidence or influence the witnesses in any manner whatsoever.
- v. The applicant shall not commit any offence while on bail.
- vi. On the expiry of 30 days, ordered as above, or within three days of the withdrawal of the lockdown by the Government, whichever is earlier, the applicant shall appear before the jurisdictional Court and seek regular bail which shall be considered and appropriate orders shall be passed on merits.
- vii. If the applicant violates any of the conditions above, the Station House Officer may approach the jurisdictional Court and may move an application for cancellation of bail, which shall be considered and disposed of by the said Court, notwithstanding the fact that interim bail has been granted by this Court.

**Raja Vijayaraghavan V.
Judge**

Ps/4/4/2020