

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

AND

THE HONOURABLE MR.JUSTICE SHAJI P. CHALY

WEDNESDAY, THE 1ST DAY OF APRIL, 2020/12TH CHAITHRA, 1942

B.A. NO.1602 of 2020

(CRIME NO.19/2020 OF VARANTHARAPPILLY POLICE STATION)

PETITIONER/ACCUSED No.2:

Madhu, Aged 49, S/o.Raghavan, Manjanath house,
Koodapuzhadesom, East Chalakkudy village, Thrissur District.

By Adv. Sri. A. C. Devy

RESPONDENT/ COMPLAINANT:

State of Kerala represented by the Public Prosecutor,
High Court of Kerala, Ernakulam – 682 031.

By Sri. Suman Chakravarthy, Public Prosecutor

This Bail Application having come up for admission on 01/04/2020, the Court on the same day passed the following:-

p.t.o.

A.K. JAYASANKARAN NAMBIAR, J.

&

SHAJI P. CHALY, J.

B.A.NO.1602 OF 2020

Dated this the 1st day of April, 2020

ORDER

Shaji P. Chaly, J.

The Petitioner is the 2nd accused in Crime no.19/2020 of Varantharapilly Police Station, registered with the offences punishable under Section 55(a) (i) of the Kerala Abkari Act. He was arrested on 25.1.2020 and remains in judicial custody. He seeks regular bail under Section 439 of the Code of Criminal Procedure.

2. Heard the learned counsel appearing for the petitioner and the learned public prosecutor. We have gone through the records which are made available.

4. The learned Public Prosecutor submitted that the petitioner is entitled for a statutory bail since 60 days period is over. In that view of the matter, we allow the bail application and the petitioner shall be released on bail by the Superintendent of Jail on the following conditions:

(a) The petitioner shall furnish to the Jail Superintendent the permanent place of his abode and he shall undertake that he shall remain in quarantine for a period of 30 days from the date of this order. He shall also furnish his phone number and a phone number of his immediate relative. Before releasing the petitioner, the Superintendent of jail concerned shall verify the above details. The Superintendent of Jail shall also intimate the release of the petitioner to the SHO of the Police Station which has registered the crime.

(b) On being released from prison, the petitioner 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 petitioner 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.

(c) The petitioner shall not tamper with the evidence or influence, persuade, threaten or coerce any prosecution witnesses in any manner whatsoever.

(d) The petitioner shall not commit any offence while on bail.

(e) However, if the accused is committing or attempting to commit any crime during the bail period, it will not deter the police or the jurisdictional court to take appropriate action in accordance with law. It is made clear that on the withdrawal of the lockdown period, the petitioner shall furnish sureties before the jurisdictional court to the satisfaction of the said court and is also at liberty to seek modification of the bail conditions'

(f) If the petitioner violates any of the conditions above, the Station House Officer may approach the jurisdictional Sessions 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

**A.K.JAYASANKARAN NAMBIAR
JUDGE**

**SHAJI P. CHALY
JUDGE**