

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. RAJA VIJAYA RAGHAVAN

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

B.A NO. 1776 OF 2020

(CRIME NO. 108 OF 2018 OF BEKAL POLICE STATION, KASARAGOD  
DISTRICT)

PETITIONER/ACCUSED NO.4

Sakkeer K.A, S/o.Aboobacker B.M.,  
Aged 28 years, Residing at Para House,  
Bandichal, Thekkil Village and Post,  
Kasaragod District.

By Adv.  
Sri. T. MADHU

RESPONDENTS/ STATE

- 1 State of Kerala, represented by the Public Prosecutor,  
High Court of Kerala,Kochi – 682 031.
- 2 The Station House Officer,  
Bekal Police Station, Kasaragod – 671 318.

By SR. Public Prosecutor, SRI. SUMAN CHAKRAVARTHY

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

**RAJA VIJAYARAGHAVAN V., J**

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B.A. No. 1776 of 2020

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Dated this the 4<sup>th</sup> 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 4<sup>th</sup> accused in Crime No.108 of 2018 of Bekal Police Station registered under Sections 376(D) and 506(i) of the IPC and Section 5(g) r/w. Section 6 of the Protection of Children from Sexual Offences Act, 2012. He was arrested in connection with the aforesaid crime on 13.2.2020 and he remains in custody ever since.

3. Sri.T.Madhu, the learned counsel appearing for the applicant submitted that the above crime was registered in the month of February, 2020 in respect of an alleged incident which took place in the month of November, 2016. He would point out that the rest of the accused have already been released on bail by this Court by separate orders. The petitioner was employed overseas and when he came down to India, he was arrested on frivolous accusations, contends the learned counsel.

4. The learned Public Prosecutor has opposed the prayer. However, it is submitted that the final report has been laid in the instant case.

5. I have considered the facts and circumstances and 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.

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 tamper with the evidence or influence the survivor or the witnesses in any manner whatsoever.
- iv. The applicant shall not commit any offence while on bail.
- v. 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. The said application shall be considered and appropriate orders shall be passed by the said court.
- vi. 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**