

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

FRIDAY, THE 3rd DAY OF APRIL, 2020/14TH CHAITHRA, 1942

B.A NO. 1843 OF 2020

(CRIME NO.114 OF 2020 OF PARAVUR POLICE STATION, KOLLAM DISTRICT)

PETITIONER/3RD ACCUSED

Ahammad, aged 18 years, S/o Shamsudeen, VarilVeedu,
Kongal Cherry, Kottapuram Village, Kollam-691 301.

By Adv. Sri. P. PRATHEESH

RESPONDENTS/STATE

- 1 State of Kerala represented by the Public Prosecutor,
High Court of Kerala, Ernakulam-31.
- 2 Station House Officer, Paravur Police Station,
Kollam District.

By Adv. Sri. SUMAN CHAKRAVARTHY, PP

This Bail Application having come up for admission on 03/04/2020, the Court on the same day passed the following:-

**A.K.JAYASANKARAN NAMBIAR, J
&
SHAJI P. CHALY, J.**

B.A.No.1843 OF 2020

Dated this the 3rd day of April, 2020

ORDER

Shaji P. Chaly, J.

The petitioner herein is the 3rd accused in Crime No.114 of 2020 of Paravur Police Station. The aforesaid Crime was registered under Sections 341, 450, 323, 324, 326, 307 r/w. Section 34 of the IPC. The petitioner was arrested on 23.2.2020 and he remains in judicial custody. He seeks regular bail under Section 439 of the Code of Criminal Procedure.

2. The application is seriously opposed by the learned Public Prosecutor.

3. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor. We have gone through the records which are made available.

4. Though prima facie, the allegations appear to be severe in nature, taking into account the present emergent situation of COVID -19 pandemic and the directives and advisories issued by the Central and State Governments for social distancing and for decongestion of jails, we are of the considered view that provisional bail can be granted to the petitioner for a period of 30 days.

5. In the result, this application will stand allowed. The petitioner is granted provisional bail and we direct the Superintendent of Jail wherein, the petitioner is incarcerated to release him on bail on the petitioner executing a personal bond without sureties. The above order shall be subject to to the following conditions:

- (a) The petitioner shall furnish to the Jail Superintendent the permanent place of 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 the 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 Station House Officer 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 Station House Officer 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) 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 petitioner shall appear before the jurisdictional court and seek regular bail. This provisional bail granted is on the basis of the present emergent situation also. 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.
- 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