

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. 1889 OF 2020

(CRIME NO.96 OF 2020 OF SASTHAMCOTTA POLICE STATION,
KOLLAM DISTRICT)

PETITIONER/ACCUSED NO.6

Anas @ Aniyana vava, aged 23 years, S/o.Bahsser,Kochuveetil
Vadakkethil, Thekken Mynagapally, Mynagapally, Kollam district.

By Adv.

Smt. RUKSANA N.P.

RESPONDENT/ COMPLAINANT

State of Kerala, represented by the Sub Inspector of Police,
Sasthamcotta Police Station, Kollam district,

Represented by the Public Prosecutor,

High Court of Kerala, Ernakulam– 682 031.

By Sr. Public Prosecutor, SRI. SUMAN CHAKRAVARTHY

This Bail Application having come up for admission on 04/04/2020,
along with B.A. Nos.1146 & 2304 of 2020, the Court on the same day
passed the following:-

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.1146 OF 2020

(CRIME NO.96 OF 2020 OF SASTHAMCOITTA POLICE STATION,
KOLLAM DISTRICT)

PETITIONER/ACCUSED NO.2

Anas @ Kandiyumma, aged 22 years,S/o Saleem,
Kadappamuriyil Chirayude Vadakkethil,
Mynagapally village, Mynagapally.

By Adv.
Sri. ZUBAIR PULIKOOL

RESPONDENT

State of Kerala, represented by S.H.O., Sasthamcottah Police Station,
Kollam District through Public Prosecutor,
High Court of Kerala,Ernakulam-682 031

By Sr. Public Prosecutor, SRI. SUMAN CHAKRAVARTHY

This Bail Application having come up for admission on 04/04/2020,
along with B.A. Nos.1889& 2304 of 2020, the Court on the same day passed
the following:-

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.2304 OF 2020

(CRIME NO. 96 OF 2020 OF SASTHAMCOTTA POLICE STATION,
KOLLAM DISTRICT)

PETITIONER/ACCUSED NO.1

Afsal, aged 23 years, S/o. Afsad,
Kozhikala Veedu, Thekkan Mynagapally Muri,
Kallukadavu, Mynagapally Taluk, Mynagapally.

By Adv.
Sri. ZUBAIR PULIKOOL

RESPONDENT

State of Kerala, represented by S.H.O., Sasthamcottah Police Station,
Kollam District through Public Prosecutor,
High Court of Kerala,Ernakulam-682 031

By Sr. Public Prosecutor, SRI. SUMAN CHAKRAVARTHY

This Bail Application having come up for admission on 04/04/2020,
along with B.A. Nos.1889 &1146 of 2020, the Court on the same day passed
the following:-

RAJA VIJAYARAGHAVAN. V., J.

B.A.Nos.1889, 1146 & 2304 OF 2020

Dated this the 4th day of April, 2020

ORDER

These applications are filed under Section 439 of the Code of Criminal Procedure, 1973.

2. The applicants herein are accused Nos. 1, 2 and 6 Crime No. 96 of 2020 of Sasthamcottah Police Station, Kollam District registered under Sections 143, 147, 148,452, 294(b), 307, 323, 324, 354, 506 of the IPC. They were arrested on 24.1.2020 and 25.1.2020 and they remain in custody ever since. Since the applicants are accused in the very same crime all these applications are considered and are disposed of by a common order.

3. Sri.Zubair Pulikool, the learned counsel submitted that the accused Nos. 3 to 5 were granted regular bail by this Court by order in BA No.2009 of 2020 and highlighting the long period of incarceration

undergone by them, prays that they be issued with orders for their release.

4. Heard the learned Special Public Prosecutor and I have gone through the records which were made available. It appears that the accused Nos. 3 to 5 have been granted provisional bail by this Court by the order referred above.

5. Having considered the facts and circumstances, the fact that a lock down imposed in the State and also the release of accused Nos 3 to 5 on bail, I am of the considered opinion that the petitioners also can be granted provisional bail for a period of 30 days.

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

- (a) The applicants shall furnish to the Jail Superintendent their permanent place of abode and

they shall undertake that they shall remain in quarantine for a period of 30 days from the date of this order. They shall also furnish their phone numbers and the phone number of their immediate relative. Before releasing the applicants, the Superintendent of Jail concerned shall verify the above details. The Superintendent of Jail shall also intimate the release of the applicants to the Station House Officer of the Police Station which has registered the crime.

- (b) On being released from prison, the applicants 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 applicants do not leave the premises where they have 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 applicants shall not tamper with the evidence or influence, persuade, threaten or coerce any

prosecution witnesses in any manner whatsoever.

- (d) The applicants shall not commit any offence while on bail.
- e) On the expiry of 30 days ordered as above within three days of the withdrawal of the lock down by the Government, whichever is earlier, the applicants shall appear before the jurisdictional court and seek regular bail. Such application shall be considered and appropriate orders shall be passed by the Court concerned.
- f) If the applicants violate 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.

**RAJA VIJAYARAGHAVAN.V.
JUDGE**