

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 08<sup>TH</sup> DAY OF APRIL, 2020 /19<sup>TH</sup> CHAITHRA, 1942

Bail Appl.No.2027 OF 2020

CRIME NO.7/2020 OF MULAVUKAD POLICE STATION

PETITIONER/ACCUSED:

SAHADEVAN T.K., AGED 54 YEARS,  
S/O. KRISHAN,  
THAITHARAPARAMPIL HOUSE, PANAMBUKADU KARA,  
MULAVUKAD VILLAGE, ERNAKULAM.

BY ADVS.SRI.JINU JOSEPH  
SRI.MOHAMED JAMEEL P.K.

RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM, COCHIN-31.
2. THE STATION HOUSE OFFICER,  
MULAVUKAD POLICE STATION,  
ERNAKULAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.T.R.RENJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.04.2020,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ORDER**

This application is filed under Section 439 of the Cr.P.C.

2. The applicant herein is the accused in Crime No. 7 of 2020 of the Mulavukad Police Station. He is accused of having committed offenses punishable under Sections 3 r/w. Section 4, 5(l) r/w. Section 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The applicant herein was arrested on 8.1.2020 and he remains in custody.

3. Heard Sri. Jinu Joseph, the learned counsel appearing for the applicant and the learned Public Prosecutor through Video Conferencing.

4. Sri Jinu Joseph, the learned counsel points out that though 90 days have elapsed, the final report has not been laid to date. The accused has an indefeasible right for bail contends the learned counsel

5. Sri. T.R.Renjith, learned Senior Public Prosecutor, does not controvert the said submission.

6. I have considered the submissions advanced and have gone through the records which are made available.

7. Due to the Pandemic which has engulfed the nation, measures have been adopted as per directives issued by the Hon'ble Apex Court to reduce the physical presence of lawyers, litigants, court staff, paralegal personnel in courts across the country and to ensure the continued dispensation of justice. Directions have also been issued to decongest the Jails. In that view of the matter, I am of the considered opinion that 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 for a period of 30 days 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 witnesses in any manner whatsoever. He shall not make any contact with the victim.
- iv. The applicant shall not commit any offense 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 and the Court shall consider his application for statutory Bail and pass orders.

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**