

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE RAJA VIJAYARAGHAVAN V

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

Bail Appl.No.2186 OF 2020

CRIME NO.1989/2019 OF ANCHAL POLICE STATION, KOLLAM DISTRICT

PETITIONER/2ND ACCUSED:

AL AMAL, AGED 24 YEARS, S/O.SHAJAHAN,
KULANGARA HOUSE,
MUSALIYAR NAGAR – 72,
KILIKOLLOOR P.O., KILIKOLLOOR VILLAGE,
KOLLAM DISTRICT – 691 004.

BY ADVS.SRI.M.KIRANLAL
SRI.MANU RAMACHANDRAN
SRI.T.S.SARATH
SRI.R.RAJESH
SRI.SAMEER M. NAIR

RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-31.
2. INSPECTOR OF POLICE,
ANCHAL POLICE STATION,
KOLLAM – 691 306.

BY PUBLIC PROSECUTOR SRI.T.R.RENJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.04.2020,
ALONG WITH BA TMP -7 OF 2020, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE RAJA VIJAYARAGHAVAN V

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

B.A. TMP - 7 OF 2020

CRIME NO.1989/2019 OF ANCHAL POLICE STATION, KOLLAM DISTRICT

PETITIONER/ACCUSED NO.3:

MUHAMMED NABEEL, AGED 27 YEARS,
S/O.MUSTHAFA, NOOR MANZIL,
PUNUKKANNOOR, ALUMMOODU P.O.,
KOTTAMKARA VILLAGE, KOLLAM DISTRICT.

BY ADVS.SRI.BINU GEORGE
SMT.HEMALATHA

RESPONDENT/STATE:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031.

BY PUBLIC PROSECUTOR SRI.T.R.RENJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.04.2020,
ALONG WITH B.A.No.2186 OF 2020, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ORDER

These applications are filed under Section 439 of the Cr.P.C.

2. The applicants herein are accused Nos. 2 and 3 in Crime No.1989 of 2019 of Anchal Police Station. The aforesaid crime has been registered against them for having committed offenses punishable under Sections 450, 376, 377, 363, 363A r/w. Section 34 of the IPC and Sections 4 r/w. Section 3(a), 4 and 5(l) r/w. Section 6 of Protection of Children from Sexual Offences Act, 2012.

3. In essence, the prosecution allegation is that the applicants herein made acquaintance with the victim and subjected her to sexual abuse.

4. Heard the learned counsel appearing for the applicants and the learned Public Prosecutor through Video Conferencing.

5. It is submitted by the learned counsel that the applicants have been in custody from 17.1.2020. They point out that the 4th accused, who is similarly placed as the applicants herein, has already been granted regular bail by this Court by order dated 10.2.2020 in B.A.No.592 of 2020 and the 1st accused has been released on bail by the Court of Session.

6. Though prima facie, the allegations appear to be very grave, the fact that the co-accused have been granted regular bail cannot be lost sight of. Substantial progress has been achieved by the investigating agency.

Furthermore, it cannot be ignored that 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 this Court have adopted measures 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, these applications will stand allowed. The Superintendent of the jail wherein the applicants are incarcerated is directed to release the applicants provisionally on bail for a period of thirty days on the applicant executing a personal bond without sureties. The above order shall be subject to the following conditions:

- i. The applicants shall furnish to the Jail Superintendent, the permanent place of their abode, and they shall undertake that they will 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 accused, 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.

- ii. 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 SHO 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.
- iii. The applicants shall not tamper with the evidence or influence the witnesses in any manner whatsoever. They shall not make any contact with the victim.
- iv. The applicants 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 applicants shall appear before the jurisdictional Court and seek regular bail and the Court shall consider their application on its merits and pass appropriate orders.

If the applicants violate 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