

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN

MONDAY, THE 6<sup>TH</sup> DAY OF APRIL, 2020/17<sup>TH</sup> CHAITHRA, 1942

B.ANO.2217 OF 2020

(CRIME NO.268 OF 2018 OF CHATHANNOOR POLICE STATION,  
KOLLAM DISTRICT)

PETITIONER/ACCUSED NO.2

Jinadev, Aged 43 years, S/o. Divakaran,  
Cherankattu house, Ambaloor, Kaliyettukara,  
Kanayannoor, Ernakulam.

By Adv.Sri.K.NIRMALAN

RESPONDENT/STATE

The State of Kerala, Represented by the Public Prosecutor,  
High Court of Kerala, Ernakulam.  
(Through Circle Inspector of Police, Chathannoor Police Station)

By SENIOR PUBLIC PROSECUTOR SRI. R.T. RENJITH

This Bail Application having come up for admission on 06/04/2020, 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 2nd accused in Crime No. 268 of 2018 registered at the Chathannoor Police Station. In the aforesaid crime, he along with the rest of the accused face indictment for having committed offence punishable under Sections 20(b)(ii) of the Narcotic Drugs and Psychotropic Substances Act, 185.

3. The Prosecution allegation is that on 30.3.2018, the 1st accused was found having in his possession 1.05 kgs of ganja . On interrogation, the 1st accused is alleged to have disclosed that the contraband was entrusted with him by the applicant herein. It is further alleged that the 3rd accused had introduced the applicant herein to the 1st accused.

4. The learned counsel appearing for the applicant submits that the 3rd accused had already been granted an order of pre-arrest bail by the Court of

Session. He would further contend that no contraband was seized from the possession of the applicant herein, and he having been arrested on 20.2.2020, be released on bail.

5. Sri.Sreejith, the learned Senior Public Prosecutor, has vehemently opposed the prayer.

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

7. Though, prima facie, the allegations appear to be very grave, 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 a Full bench of this Court has issued directions 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 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 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 and the Court shall consider his application on its merits and pass appropriate 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**

ps/6/4/2020