

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. 2291 OF 2020

(CRIME NO. 403 OF 2020 OF VIZHINJAM POLICE STATION, THIRUVANANTHAPURAM)

PETITIONER/ACCUSED NO.1

DEEPU KRISHNAN, KRISHNAN NAIR, AGED 28 YEARS,
HOUSE NO. 240, ADARSH NAGAR, THEKKUM MOODU, POTTAKUZHY,
PATTOM VILLAGE, THIRUVANANTHAPURAM.

BY ADV. SRI. SASTHAMANGALAM S. AJITHKUMAR

RESPONDENT/ COMPLAINANT

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

BY SPL. P.P. SRI. SUMAN CHAKRAVARTHY

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/04/2020,
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. 403 of 2020 registered in the month of February, 2020 at the Vizhinjam Police Station for having committed offence punishable under Sections 376, 384 and 506(i) of the IPC.

3. The de facto complainant is a disabled lady. The applicant is alleged to have entered into a relationship with her and he persuaded her to go with him to various hotels and resorts at Varkala and elsewhere and she was subjected to sexual intercourse. During their times together, the applicant is alleged to have snapped explicit photographs of the lady in his mobile phone and thereafter threatened her with the same and extorted a sum of Rs. 77,000/- from her. Based on the above allegations, the applicant was arrested on 16.3.2020 and he remains in custody.

4. Sri. Sasthamangalam S. Ajithkumar, the learned counsel appearing for the applicant, contended that the applicant is an IT professional. He urged that the relationship between the petitioner and the victim, who is a lady aged 28 years, was consensual. He would deny that snaps of the lady was taken by him and that money was extorted, and according to the learned counsel, these allegations are cooked up to keep him behind bars for a prolonged period

5. Heard Sri. Suman Chakravarthy, learned Special Public Prosecutor, who has opposed the prayer.

6. I 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.
- vi. 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**

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