

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. 2312 OF 2020

(CRIME NO.188 OF 2020 OF MANNANCHERRY POLICE STATION, ALAPPUZHA DISTRICT)

PETITIONER/ACCUSED NO.1

BINDU MON, AGED 50 YEARS,
S/O. CHANDRA BOSE, KORAMBARAMBU VELI,
SARASWATHY BHAVANAM, NORTH ARYAD, ALAPPUZHA

BY ADV. SRI. GEORGE SEBASTIAN

RESPONDENT/ STATE

STATE OF KERALA, (STATION HOUSE OFFICER,
MANNANCHERRY POLICE STATION) 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 1st accused in Crime No. 188 of 2020 registered at the Mannanchery Police Station, in which crime he is accused of having committed offences punishable under Sections 377 and 447 of the IPC and Sections 3(a), 5(i), 6, 11(i) and 12 of the Protection of Children from Sexual Offences Act, 2012. The 2nd accused in the aforesaid crime is the minor son of the applicant

3. The survivor is a boy aged 13 years. He is alleged to persuaded another child of the same age to undress himself and they touched the intimate private parts of each other. To prevent the child from disclosing this act to his parents, the victim child is alleged to have paid him a sum of Rs.5/-. This came to the notice of the parents of the other child. The victim was confronted and he is alleged to have disclosed that the applicant and his minor son used to sexually assault him when he used to frequent their house. As against the applicant herein, the allegation is that he asked the child to remove his clothes and touched his private parts and kissed him. Much more serious allegations are alleged against the minor son of the applicant.

4. Sri.George Sebastian, the learned counsel appearing for the applicant, submitted that the applicant is innocent. He would point out that the allegations against his minor son relate to a period prior to about 2 years and the allegation against the applicant is in respect of an incident which took place about two months back. He would contend that the applicant is undergoing incarceration from 3.3.2020 onwards and prays for issuance of appropriate orders.

5. Sri. Suman Chakravarthy, learned Special Public Prosecutor, strenuously opposed the prayer. He has narrated the sequence of events and submitted that grant of bail to the applicant at this stage is unwarranted.

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

7. Though prima facie, the allegations appear to be grave, the fact that a lockdown has been imposed in the Country and the citizens therein have been advised to practice social distancing and to quarantine themselves cannot be ignored. 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, 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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