

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

AND

THE HONOURABLE MR.JUSTICE SHAJI .P.CHALY

THURSDAY, THE 2ND DAY OF APRIL, 2020/13TH CHAITHRA, 1942

B.A No. 87 of 2020

(CRIME NO. 710 OF 2019 OF ALUVA WEST (ALANGADU) POLICE STATION, ERNAKULAM)

PETITIONERS / ACCUSED NO.1 & 2

1. Arjun, aged 21years, S/o.Vinod, PuthanPurackal (H),
Koottungalchira Road, Edavanakkad, AluvaWest,Eranakulam Rural.
2. Adarsh, aged 21 years, S/o. Sasangan,
Maliakkaparambil (H), Near Saratheedara Temple,
Njarakkal, Perumbilly, Aluva West, Ernakulam.

By Adv. Sri. RASSAL JANARDHANAN A.

RESPONDENT/COMPLAINANT/STATE

State of Kerala represented by the Public Prosecutor,
High Court of Kerala, Ernakulam – 682 031.

By Shri Suman Chakravarthy, Public Prosecutor

This Bail Application having come up for admission on 02/04/2020, the Court on the same day passed the following:-

A.K. JAYASANKARAN NAMBIAR & SHAJI P. CHALY, JJ.

BAIL APPLICATION NO.87/2020

Dated this the 2nd day of April, 2020

O R D E R

Shaji.P.Chaly, J.

The petitioners are accused Nos.1 and 2 in Crime No.710/2019 of Aluva West Police Station indicted with the offences punishable under Sections 22(c), 22(a), 22(b) and 22(b)(ii) of the NDPS Act, 1985 and they were arrested on 12/12/2019 and, thereafter, continuing in judicial custody. It is also pointed out that accused Nos.3 and 4 were enlarged on bail. They seek regular bail under Section 439 of the Code of Criminal Procedure.

2. Learned Public Prosecutor submitted that there is no objection in granting provisional bail by imposing suitable conditions in the wake of present emergent situation of COVID-19.

3. Heard the learned counsel appearing for the petitioners and the learned public prosecutor. We have gone through the records which are made available.

4. Though prima facie, the allegations appear to be severe in nature, taking into account the present emergent situation of COVID-19 pandemic and the directives and advisories issued by the Central and State Governments for social distancing and for decongestion of jails, we are of the considered view that provisional bail can be granted to the petitioners for a period of 30 days.

5. In the result, this application will stand allowed. The petitioners are granted provisional bail and we direct the Superintendent of the jail wherein, the petitioners are incarcerated to release them on bail on each of the petitioners executing a personal bond without sureties. The above order shall be subject to the following conditions:

(a) The petitioners shall furnish to the Jail Superintendent the permanent place of their abode and they shall undertake that they shall 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 numbers of their immediate relative. Before releasing the petitioners, the Superintendent of jail concerned shall verify the above details. The Superintendent of Jail shall also intimate the release of the petitioners to the SHO of the Police Station which has registered the crime.

(b) On being released from prison, the petitioners 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 petitioners 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.

(c) The petitioners shall not tamper with the evidence or influence, persuade, threaten or coerce any prosecution witnesses in any manner whatsoever.

(d) The petitioners shall not commit any offence while on bail.

(e) 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 petitioners shall appear before the jurisdictional Court and seek regular bail. This provisional bail granted is on the basis of the

present emergent situation also. However, if the accused are committing or attempting to commit any crime during the bail period, it will not deter the police or the jurisdictional court to take appropriate action in accordance with law.

(f) If the petitioners violate any of the conditions above, the Station House Officer may approach the jurisdictional Sessions 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.

A.K. JAYASANKARAN NAMBIAR, JUDGE

SHAJI P. CHALY, JUDGE

ms/2/4/2020