

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN

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

B.A NO. 972 OF 2020

(CRIME NO. 27 OF 2020 OF PERINGOME POLICE STATION, KANNUR
DISTRICT)

Petitioners/Accused No.5,6 & 8

- 1 Suhaib.C, Aged 25 years, S/o. Hamza,
Chekkantakath (H), Nr. Vellora U.P School,
Vellora (P.O.), Kannur District, Pin 670 306.
- 2 Shibu, Aged 38 years, S/o. Balakrishnan,
Vengayil Kuppadakath (H), Peringome,
Thimiri (P.O.), Kannur District, Pin 670 306.
- 3 Deepak, Aged 28years, S/o. Lorance, Vellora (P.O.),
Vellora Amsom Desom, Peringome, Kannur District, Pin 670 306.

By Adv.

Sri. ZUBAIR PULIKOOL

RESPONDENT

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

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 applicants herein are the accused in Crime No. 27 of 2020 registered at the Peringone Police Station for having committed offence punishable under Sections 457, 459, 460 and 379 of the IPC.

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

4. The learned counsel contended that the 2nd accused against whom serious allegations are levelled was granted bail by this Court by order dated 13.3.2020 in B.A.No.1152/2020. He would further urge that the applicants herein have been undergoing incarceration from 27.1.2020 and prays that they be released on bail.

5. Sri. Renjith.R.T., the learned Senior Public Prosecutor, has 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 applicants 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 applicants provisionally on bail 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 his abode, and he 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 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 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