

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 08<sup>TH</sup> DAY OF APRIL, 2020 /19<sup>TH</sup> CHAITHRA, 1942

B.A. TMP - 10 OF 2020

CRIME NO.129/2020 OF VADAKKANCHERRY POLICE STATION, PALAKKAD DISTRICT

PETITIONER/ACCUSED:

ANKANMITHRA, AGED 37 YEARS,  
S/O.PREMENDRAMITHRA, FLAT NO.507,  
BLOCK 9, VBHC VAIBHAVA, BAIGADADENAHALLI,  
ANEKKALTALUK, OPPOSITE GOVARDHAN GRANITE,  
CHANTHAPURA, MARASUR, BENGALURU,  
KARNATAKA, PIN-562 106.

BY ADVS.SRI.RENJITH B. MARAR  
SMT.LAKSHMI N.KAIMAL  
SRI.U.JAYAKRISHNAN  
SMT.SURABHI SANTHOSH

RESPONDENTS/STATE:

1. STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031.
2. THE SUB INSPECTOR OF POLICE,  
VADAKKANCHERRY POLICE STATION, PALAKKAD-678 683.

BY PUBLIC PROSECUTOR SRI.T.R.RENJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.04.2020,  
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.129 of 2020 of Vadakkancherry Police Station. He is accused in the aforesaid crime for having committed offenses punishable under Sections 279, 304, 201 of IPC.

3. In essence, the prosecution allegation is that on 4.3.2020 while the applicant herein was traveling in a car from his residential home to the office within the limits of the City of Bangalore, he knocked down a pedestrian. This incident was witnessed by several onlookers. At their insistence, the injured was rushed to a nearby hospital. However, the life of the injured could not be saved. The applicant then took the dead body in his car to Kerala and dumped the body in an isolated place within the limits of Vadakkancherry Police Station. The Body was found later and a crime was initially registered under Section 174 of the Cr.P.C. Later an eyewitness came forward and gave details of the car which led the police to the applicant. He was accordingly arrested on 9.3.3020 and he remains in custody

4. Heard the learned counsel appearing for the applicant and the learned Public Prosecutor through Video Conferencing.

5. Sri. Renjith Marar, the learned counsel appearing for the applicant, submitted that even if the allegations are admitted as such, the offense under Section 304 of the IPC will not be attracted. At the most, the applicant can be roped in with the aid of section 304A and 201 of the IPC, which offenses are bailable, contends the learned counsel. He would contend that the applicant is a well-educated person who is gainfully employed in a Multi-National Company and there cannot be any apprehension that he would abscond. He would also highlight the period of detention undergone and sought for his release on bail.

6. Heard the learned public prosecutor and I have considered the submissions advanced. 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 this Court have adopted measures to reduce the physical presence of lawyers, litigants, court staff, paralegal personnel in courts across the country and to ensure the continued dispensation of justice. Directions have also been issued 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 for a period of 30 days 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 offense 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 The Applicant shall not leave the limits of Palakkad District until his bail application is considered and orders are passed by the jurisdictional court.

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**