

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE RAJA VIJAYARAGHAVAN V

SATURDAY, THE 11<sup>TH</sup> DAY OF APRIL, 2020 /22ND CHAITHRA, 1942

BA TMP NO. 23 OF 2020

CRIME NO.2/2020 OF KOLLENGODU EXCISE RANGE, PALAKKAD

PETITIONER/ACCUSED NO.1(CUSTODY):

VISHNU, AGED 21 YEARS,  
S/O.VIJAYAN, EDATHEDATH VEETIL,  
THUKATTUSSERY DESOM, EDAKKUNNI VILLAGE,  
THRISSUR TALUK, THRISSUR DISTRICT, **(A1)**.

BY ADV.SRI.SHYAM K.L.

RESPONDENTS/DE FACTO COMPLAINANT:

1. STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, PIN-682 031.
2. THE EXCISE INSPECTOR,  
KOLLENGODE EXCISE RANGE OFFICE,  
PALAKKAD DISTRICT, PIN-678 506.

BY PUBLIC PROSECUTOR SMT.PUSHPALATHA M.K.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11.04.2020,  
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.2 of 2020 of Kollengodu Excise Range registered under Section 20(b)(ii)B of Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Heard the learned counsel appearing for the applicant and the learned Public Prosecutor through video conferencing. I have also had the advantage of going through the records forwarded to me by the learned Public Prosecutor.

4. The learned public prosecutor fairly submits that the Investigating agency has not submitted the final report within the statutory period and hence the applicant is entitled to default bail, his arrest being on 24.01.2020.

5. I also take note of the fact that the Nation is facing an unprecedented and extraordinary outbreak of a pandemic and all steps are being taken to ensure that the Court premises do not contribute to the spread of the deadly virus which has taken the life of many people. A lockdown has been imposed 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 suggested measures to reduce the physical presence of lawyers, litigants, court staff, paralegal personnel in courts across the country. Directions have also been issued to decongest the Jails. Directing the appearance of the petitioner before the court below and insisting him to produce sureties and execute bonds will definitely have an adverse effect. 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 45 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 45 days on the applicant executing a personal bond without sureties.

The above order shall be subject to the following conditions:

- i. On or before the expiry of the said period, the applicant shall appear before the jurisdictional court and shall execute a bond for a sum of Rs.50,000/- with two solvent sureties. The jurisdictional court will be at liberty to impose additional conditions to secure his continued presence.
- ii. The applicant shall furnish an undertaking before the Superintendent of Jail concerned detailing the permanent place of his abode and the contact numbers of himself and his near relative. He shall undertake that he shall strictly comply with the lockdown imposed and the various directives issued by the Central as well as the State Government and that he shall remain in quarantine for a period of 30 days or such extended period as may be notified.
- iii. The Superintendent of Jail shall intimate the release of the applicant to the Station House Officer of the Police Station which has registered the crime.
- iv. 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.

- v. The applicant shall not tamper with the evidence or influence the witnesses in any manner whatsoever.
- vi. The applicant shall not commit any offense while on bail.

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**

ps/11/4/2020