

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE RAJA VIJAYARAGHAVAN V

TUESDAY, THE 07TH DAY OF APRIL, 2020 /18TH CHAITHRA, 1942

B.A. TMP - 6 OF 2020

CR. NO.73/2020 OF PERAMBRA POLICE STATION, KOZHIKODE

PETITIONER/ACCUSED NO.1:

JUNAID, S/O.ABDURAHIMAN, AGED 22 YEARS,
PUTHALATH HOUSE, AVADUKKA (P.O.),
CHANGAROTH-673528.

BY ADVS.SRI.NIDHI BALACHANDRAN
SRI.SABU GEORGE

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. THE STATION HOUSE OFFICER, PERAMBRA POLICE STATION,
KOZHIKODE-673525.

BY PUBLIC PROSECUTOR SRI.T.R.RENJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07.04.2020,
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.73 of 2020 of the Permabra Police Station registered for having committed offense punishable under Sections 341, 323, 324, 326, 307 r/w section 34 of the IPC.

3. Prosecution allegation is that the accused restrained the de facto complainant in a school premises and stabbed him on his chest with a knife. They were arrested on 2.2.2020 and since then they are in judicial custody.

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

5. It is submitted by Sri Nidhi, that the 3rd accused in the afore crime has been granted bail by this Court by Annexure-A2 order. He would further urge that the applicant has been in custody from 2.2.2020 and he seeks for his release.

6. Sri. T.R.Renjith, learned Senior Public Prosecutor, has vehemently opposed the prayer.

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

8. 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 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 shall 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 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 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 do 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. He 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 applicants shall appear before the jurisdictional Court and seek regular bail and the Court shall consider his application on its merits and pass appropriate orders.

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