

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 - 8 OF 2020

CRIME NO.17/2020 OF CHAVAKKAD POLICE STATION, THRISSUR DISTRICT

PETITIONER/ACCUSED:

RESHMA, AGED 32 YEARS, W/O. PRAVEEN KUMAR,
MOOTHERI HOUSE, MANATHALA VILLAGE, CHAVAKKAD TALUK,
THRISSUR.

BY ADV.SRI.JITHIN BABU

RESPONDENTS:

1. STATION HOUSE OFFICER,
CHAVAKKAD POLICE STATION,
THRISSUR, PIN-680 506.
2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031.

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 2nd accused in Crime No.17 of 2020 registered at the Chavakkad Police Station under Sections 376, 354A(1), 366A r/w. 34 of the Indian Penal Code and Sections 3, 4, 7, 8, 16 & 17 of Protection of Children from Sexual Offences Act, 2012 and sections 9 & 10 of Prohibition of Child Marriage Act.

3. The prosecution allegation is that the petitioner herein actively aided the first accused, who subjected a minor child to sexual abuse and proceeded to solemnize his marriage with her violating the law.

4. Sri.Jithin Babu, the learned counsel appearing for the applicant submitted that the applicant is a lady who has nothing to do with the acts committed by the 1st accused. She has been implicated under the premise that she had abetted the commission of the acts by the 1st accused, which allegation, has no basis .contends the learned counsel

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

6. I have considered the submissions advanced 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 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 her abode, and he shall undertake that she will remain in quarantine for a period of 30 days from the date of this order. She shall also furnish her phone number and the phone number of her 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 she 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. She 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.

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