

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 - 11 OF 2020

CRIME NO.32/2020 OF CHADAYAMANGALAM EXCISE RANGE PENDING BEFORE THE
JUDICIAL FIRST CLASS MAGISTRATE COURT NO.II, KOTTARAKARA

PETITIONER/ACCUSED:

KRISHNADAS, AGED 30 YEARS, S/O.KRISHNANKUTTY,
MANALIYIL KIZHAKKATHIL PUTHEN VEEDU, MANALI DESOM,
KADAKKAL VILLAGE, KOTTARAKARA TALUK.

BY ADV.SRI.ALEXANDER GEORGE

RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. THE EXCISE INSPECTOR,
CHADAYAMANGALAM EXCISE RANGE, KOTTARAKARA,
KOLLAM DISTRICT.

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 accused in Crime No.32 of 2020 of the Chadayamangalam Excise Range registered under Section 55(i), 67B of the Abkari Act. The prosecution alleges that he had retained in his possession 3.75 litres of Indian Made Foreign Liquor and other utensils for the purpose of sale. He was arrested on 11.3.2020 and remains in custody.

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 prosecution has no case that the applicant is involved in any other crimes. I also take judicial notice of the Lockdown imposed in the State in view of the COVID 19 Pandemic and the general directions issued by the Hon'ble Supreme Court as well as a Full Bench of this Court to decongestant the Jails. Having considered the facts and circumstances and the submissions made across the bar, I am of the considered opinion that the applicant can be granted bail for a period of two months from today subject to the condition that he appears before the Jurisdictional Court and executes bond within the said period.

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 60 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.25,000/- 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 to the Jail Superintendent the permanent place of his abode and 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 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 petitioner to the SHO of the Police Station which has registered the crime.
- iii. 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.
- iv. The applicant shall not tamper with the evidence or influence the witnesses in any manner whatsoever.
- v. 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**