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Manoj vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1764079

Court : Kerala

Decided On : Apr-17-2020

Judge : Honourable Mr.Justice T.V.Anilkumar

Appeal No. : Bail Appl./2313/2020

Appellant : MANOJ

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE T.V.ANILKUMAR FRIDAY, THE 17TH DAY OF APRIL, 2020 /28TH CHAITHRA, 1942 Bail Appl.No. 2313 of 2020 CC NO 79 / 2018 ON THE FILE OF THE CHIEF JUDICIAL MAGISTRATE COURT, THRISSUR IN CRIME NO. 173/2018 OF THRISSUR TOWN EAST POLICE STATION. PETITIONER/ACCUSED: SHRI. MANOJ, AGED 37 YEARS, S/O KARUNAKARAN, KIZHAKKEKARA HOUSE, JANATHA ROAD, NEAR D.Y.S.P. OFFICE ALUVA - 683 101 BY ADV.LIFFY P FRANCIS

RESPONDENTS/COMPLAINANT AND STATE: STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031. BY PUBLIC PROSECUTOR ADV.SRI.RAMESH CHAND

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17.04.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: :-2-: Dated this the 17th day of April, 2020

O R D E R

The applicant seeking regular bail is the 1st accused in C.C.No.79 of 2018 on the file of Chief Judicial Magistrate Court-Thrissur. He is accused of offence punishable Under Sections 392 of IPC.

2. It is submitted that when he failed to

appear in one of the postings, the learned Magistrate issued warrant. Later, he was arrested in a different crime and when he was brought up under production warrant before the Magistrate in C.C.No.79 of 2008, he refused to grant bail moved by the applicant herein apprehending that if he is let out on bail, he was likely to abscond.

3. I have perused the prosecution allegations in the crime and also the necessary documents on record. I have also heard the learned Senior Public Prosecutor and the learned counsel for the accused :-3-: via video conferencing.

4. It is seen from the records that this

applicant made an earnest effort to surrender before the jurisdictional court but since he failed either to produce her sureties or seek excuse from the Court, the bail application was refused. In any view of the matter, the applicant continues to be in custody hardly for the last five months. I do not find any reason to keep him any long in prison for no good reasons. Therefore, bail is granted.

5. It is ordered that the concerned Jail

Superintendent shall release the accused

jurisdictional court on or before 25-5-2020 in view of the current situation that he will not be able :-4-: to secure the presence of sureties during the ongoing period of National lockdown already declared by the government pursuant to the outbreak

of covid-19 (coronavirus), issuing restrictions on movements of the citizens across the country. If the period of lockdown continues any further, the accused will be at liberty to appear before the

jurisdictional court and execute bond forRs

like sum subject to the satisfaction of the court within 10 days after the prevailing restriction on movement is lifted.

6. Until the accused executes the bail bond

before the jurisdictional Court with the sureties, he shall appear before the Investigating Officer every Monday and Friday between 10 a.m and 11 a.m. In case the accused resides outside the local limit :-5-: of the concerned police station, he shall appear before the police station nearest to his residence. The police officer concerned shall by all means ensure that the attendance of the accused at the station house is subject to the observance of norms as regards social distancing and other restrictions imposed by the State.

7. He shall not also indulge in criminal

activities while being on bail. He shall not also leave the territory of the District where he is staying, without prior permission of the jurisdictional court except for attending the court in case he is already staying outside the jurisdictional limit of the court.

8. The jurisdictional Court while taking bond from the accused on his appearance along with two solvent sureties for the like sum, will be at full liberty to impose or modify any condition which it :-6-: deems appropriate to the interest of dispensation of criminal justice including those as to attendance of accused before the Investigating Officer.

9. If, in any event the accused fails to appear

before the court as ordered and execute the bond, the jurisdictional court will have necessary power either to extend the time on reasonable grounds or cancel the bail on being satisfied that the non attendance before the court was unjustified. So

also it is hereby provided that, if contravention of any of the bail conditions is reported, the jurisdictional court shall have power to revoke the bail on proof of allegations made against the accused.

10. The Jail Superintendent while taking the

bond shall also collect the address details of the accused where he would be physically available :-7-: during the above period and also the contact details of his close relatives to chase his whereabouts. He shall send the address and contact details of the accused so collected to the jurisdictional police station for information along with the crime number and also forward the bond taken from the accused to the jurisdictional court.

11. The Investigating Officer shall during this period keep a vigil over the accused and take necessary steps to ensure that he does not violate the bail conditions.

12. The learned Public Prosecutor shall

communicate a copy of this order to the concerned police station for information and follow up. All pending interlocutory applications are closed. Sd/- T.V.ANILKUMAR JUDGE ami/

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