2025:KER:29332

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

THURSDAY, THE 3RD DAY OF APRIL 2025 / 13TH CHAITHRA, 1947

BAIL APPL. NO. 4224 OF 2025

CRIME NO.405/2025 OF Gandhinagar Police Station, Kottayam

PETITIONER(S):

ADARSH MANOJ
AGED 21 YEARS
VADAKATHUPARAMBIL, NALPATHIMALA, ATHIRAMPUZHA
P.O, KOTTAYAM, KERALA, PIN - 686562

BY ADVS.
IRFAN ZIRAJ
P.M.ZIRAJ

RESPONDENT(S):

1. **STATE OF KERALA**
   REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031
2. **THE SUB INSPECTOR OF POLICE**
   GANDHINAGAR POLICE STATION, KOTTAYAM DISTRICT, PIN - 686008

BY ADV.:

PP-G SUDHEER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:29332

P.V.KUNHIKRISHNAN, J.

BA No.4224 of 2025

Dated this the 03rd day of April, 2025

O R D E R

This Bail application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. Petitioner is an accused in Crime No.405/2025 of Gandhinagar Police Station, Kottayam. The above case is registered against the petitioner alleging offences punishable under Sections 118(1), 126(2) and 115(2) r/w 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. The prosecution case is that, on 09.03.2025 at 05.30 PM, since the complainant falsely spread a news that the 1st accused involved in Ganja business, 1st accused along with other accused

assaulted the complainant. Hence, it is alleged that the accused committed the offence.

4. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor. The Public Prosecutor opposed the bail application. The Public Prosecutor submitted that the petitioner has got criminal antecedents and a rowdy sheet is also opened against the petitioner.

5. After hearing the counsel for the petitioner in detail, I am of the considered opinion that, it is not a fit case in which the bail can be granted under Section 482 of BNSS. At this stage the counsel for the petitioner submitted that, the petitioner is ready to surrender before the Investigating Officer. The counsel also submitted that, there may be a direction to produce the petitioner after interrogation before the jurisdictional court and there may be a direction

to the jurisdictional court to consider the bail application on the date of production of the petitioner. I think, that prayer can be allowed.

Considering the submission of the counsel for the petitioner, this bail application is disposed of with the following conditions:

1) The petitioner will surrender before the Investigating Officer within two weeks from today.

2) If the petitioner surrender before the Investigating Officer as directed above, the Investigating Officer is free to interrogate the petitioner. If arrest is recorded, the petitioner shall be produced before the jurisdictional court on the date of surrender itself.

3) The petitioner is free to file bail application before the jurisdictional court at the time of producing him. If such a bail

application is filed with advance copy to the prosecutor concerned, the jurisdictional court will consider that bail application in accordance with law and pass appropriate orders in it preferably on the date of filing of the same itself.

4) The Investigating Officer is free to file custody application, if necessary, at the time of producing the petitioner and if such an application is filed, the jurisdictional court is free to pass appropriate orders in it also.

Sd/-
P.V.KUNHIKRISHNAN
JUDGE

nvj