2025:KER:30592

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

BAIL APPL. NO. 4430 OF 2025

CRIME NO.221/2025 OF KAYAMKULAM POLICE STATION, ALAPPUZHA

AGAINST THE ORDER/JUDGMENT DATED 17.03.2025 IN CRMC NO.303 OF 2025 OF DISTRICT & SESSIONS COURT, ALAPPUZHA

PETITIONER(S):

SAJAD SHA
AGED 27 YEARS
S/O SHAHUL HAMEED, VELUTHIDATHU PADEETTATHIL, KEERIKADU SOUTH, KAYAMKULAM P.O., KEERIKKAD (PART), KAYANGULAM, ALAPPUZHA, PIN - 690502

BY ADVS.
UMMUL FIDA
C.IJLAL
P.PARVATHY
R.UDAYA KUMAR
MAJID MUHAMMED K.
ANANDU R.

RESPONDENT(S):

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN – 682031

BY ADV. SRI. NOUSHAD K.A. SENIOR PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:30592

P.V.KUNHIKRISHNAN, J

B.A.No.4430 of 2025

Dated this the 08th day of April, 2025

O R D E R

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

2. Petitioner is an accused in Crime No. 221/2025 of Kayamkulam Police Station, Alappuzha. The above case is registered alleging offences punishable under Sections 311 & 137(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

3. The prosecution case is that, on 02.02.2025 at about 10.00 p.m., the accused persons 1 to 6 trespassed into the courtyard of the rented house of the defacto complainant and caused bodily injury to him and one of his friends. Further the accused persons took the defacto complainant inside the house and attacked him and one of the accused persons brandished a knife towards the defacto complainant resulting

2025:KER:30592

injury to his right ear. Thereafter the accused persons forcefully took the mobile phone of the defacto complainant and transferred money from his google pay account to some other person's account and further forcefully took the purse of the defacto complainant and took him to the ATM of SBI, Kayamkulam and obtained the ATM pin of the defacto complainant by threatening him and withdrew money using his ATM card. Further the accused persons threatened to kill the defacto complainant if he continued at Kayamkulam, and thereby committed the above offences.

4. Heard the counsel for the petitioner and the public Prosecutor. Learned Public Prosecutor seriously opposed the bail application. Public Prosecutor submitted that the petitioner has got criminal antecedents and he is an accused in an NDPS case.

5. After hearing both sides, I think this is not a fit case, in which orders u/s.482 BNSS can be passed. At this stage the counsel for the petitioner submitted that the

petitioner will 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.

6. Considering the submission of the counsel for the petitioner, this bail application is disposed of with the following directions.

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 before

2025:KER:30592

Magistrate. 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 application is filed, the jurisdictional court is free to pass appropriate orders in it also.

Sd/-

P.V.KUNHIKRISHNAN, JUDGE

DM