2025:KER:31950

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

BAIL APPL. NO. 5001 OF 2025

CRIME NO.252/2024 OF VIDYA NAGAR POLICE STATION, Kasargod

PETITIONER(S)/FIRST ACCUSED:

MUHAMMED NAWAS C.A.
AGED 31 YEARS
S/O. ABOOBACKER, RESIDING AT KOLIKKATTA HOUSE, CHERKKALA, CHENGALA VILLAGE AND POST, KASARAGOD DISTRICT, PIN - 671541

BY ADVS.
T.MADHU
C.R.SARADAMANI
RENJISH S. MENON
ALEENA JOSE
AVANTHIKA R.
KARTHIK KRISHNA M.

RESPONDENT(S)/STATE:

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

BY ADV:
SRI HRITHWIK C S, SR.PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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P.V.KUNHIKRISHNAN, J.

BA No.5001 of 2025

Dated this the 11th 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 the 1st accused in Crime No.252/2024 of Vidya Nagar Police Station, Kasargod. The above case is registered against the petitioner and others alleging offences punishable under Sections 118(1), 296(b), 351(3) and 74 r/w Section 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. The prosecution case is that, on 31.03.2025 at about 01.00 PM, while the 1st informant along with her husband and children were travelling in their Car bearing Registration NO.KL 14 Y



9977 from Koyippady to Bambrani Nagar, the accused required them to stop the Car. When they stopped the Car and lowered the window, the 1st accused assaulted the husband of the defacto complainant by using an Iron rod and the other accused abused the defacto complainant and others in filthy languages and threatened to kill them. 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. He submitted that there are criminal antecedents to 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

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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