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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. 5021 OF 2025

CRIME NO.584/2025 OF Kundara Police Station, Kollam

PETITIONER/S:

1 **SANEESH KUMAR S**
AGED 33 YEARS
S/O SATHEESHAN PILLAI, CHARUVILA PUTHEN VEEDU, KUZHIYAM, CHANDANATHOPE PO, PERINAD, KOLLAM, PIN - 691014

2 **AMBADI A**
AGED 28 YEARS
S/O ANILKUMAR, VARIKOLIL THAZHATHIL, KUZHIYAM, CHANTHANATHOPPU PO, PERINAD, KOLLAM, PIN - 691014

BY ADVS.
SREERAJ M.D.
NEELANJANA NAIR
SAMPATH T.

RESPONDENT/S:

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

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

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B.A. No.5021 of 2025

Dated this the 11th day of April, 2025

O R D E R

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

2. Petitioners is the accused in Crime No. 584/2025 of Kundara Police Station. The above case is registered alleging offences punishable under Secs. 189(2), 191(2), 191(3), 126(2), 296(b), 115(2), 118(1), 117(2),110 and 190 of the Bharatiya Nyaya Sanhita (BNS).

3. The prosecution case is that, on 11.03.2025 at about 23:30 Hrs, the accused 1 to 5 formed an unlawful assembly provoked by the act of the de-facto complainant and his friend named Unni who questioned the accused for smoking

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beedi, intentionally restrained the de-facto complainant and his friend, and then when the 2nd accused abused them in profane language, the 1st accused caught hold of the de-facto complainant and then and hit the de-facto complainant with an iron bar on his right eye and then the de-facto complainant narrowly escaped from further attack and later when the de-facto complainant's friend Unni came for rescue, the 3rd accused hit the said Unni at the back of his head with an iron bar and the 2nd accused hit the said Unni in his nose resulting in injury and the remaining accused kicked them both by pushing them to the floor. Thus, the accused were said to have committed the above offences.

4. Heard the counsel for the petitioners and the public Prosecutor. Learned Public Prosecutor seriously opposed the bail application.

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 petitioners submitted that the

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petitioners will surrender before the Investigating Officer. The counsel also submitted that there may be a direction to produce the petitioners 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 petitioners. I think that prayer can be allowed.

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

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

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

3) The petitioners are free to file bail application

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before the jurisdictional court at the time of producing them. 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 petitioners and if such application is filed, the jurisdictional court is free to pass appropriate orders in it also.

Sd/-

P.V.KUNHIKRISHNAN
JUDGE

SKS