



2025:KER:32292

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

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

CRL.MC NO. 3407 OF 2025

CRIME NO.176/2021 OF Panur Police Station, Kannur

ORDER DATED 06.07.2024 IN CRMC NO.510 OF 2021 OF DISTRICT

COURT & SESSIONS COURT, THALASSERY

PETITIONER:

ASHIN SURENDRAN
AGED 25 YEARS
S/O SURENDRAN, KALLULLAPARAMBATH HOUSE, PUTHOORAMSOM,
KUTTYERI, K C MUKKU, PANOOR PO, THALASSERY TALUK,
KANNUR DISTRICT, PIN - 670692

BY ADVS.
DEEPAK RAJ
K.SUJITH MOHAN
GOUTHAMI

RESPONDENT:

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

SRI. M.C. ASHI, PP.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
11.04.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



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ORDER

Dated this the 11th day of April, 2025

The challenge in this Crl.M.C is against Annexure IV order, by which bail granted to the petitioner in Crime No.176 of 2021 of Panur Police Station as per Annexure II order, was cancelled. The reason for cancellation of bail is petitioner's involvement in a subsequent crime, regarding which Crime No.180 of 2023 got registered at the Panur Police Station.

2. Learned Counsel for the petitioner contends that, mere involvement in a subsequent crime, that too after ten months after enlargement on bail in the first crime, cannot, by itself, be a reason for cancelling the bail. In support of this argument, reliance is placed on the decision of this Court in **Ranjith v. State of**



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Kerala (2023 (2) KLT 182) and that of the Apex Court in **Kailash Kumar v. State of Himachal Pradesh** (2025 KHC OnLine 7157). Learned Counsel for the petitioner submits that in Crime No.180 of 2023, registration of which is the reason for cancelling the petitioner's bail, final report was filed before the Additional Chief Judicial Magistrate Court, Thalassery and the case taken on file as C.C No.334 of 2023. The trial in the case has commenced and PW1, the defacto complainant, having turned hostile, the court decided not to examine any other witnesses and posted the case for judgment. It is therefore evident that the petitioner will be acquitted in that case. It is pointed out that the petitioner had appeared before the trial court on 03.04.2025 and is remanded to custody.

3. Heard the learned Public Prosecutor also.



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4. It is doubtful whether the petitioner's bail could have been cancelled merely by reason of registration of a second crime. The submission of the learned Counsel that in the second crime the defacto complainant turned hostile and without examining other witnesses, the case is posted for judgment also assumes relevance in this context.

5. Moreover, the order has resulted in the petitioner undergoing incarceration from 03.04.2025 onwards. The above factors along with the decisions of this Court in **Ranjith** (supra), holding that bail once granted ought not be cancelled for the mere asking and that of the Supreme Court in **Kailash Kumar** (supra), reiterating the principle that liberty of an individual, being a precious right under the



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Constitution, cannot be taken away lightly, persuades me to allow the prayer.

In the result, the Crl.M.C is allowed. Annexure IV order is quashed and Annexure II order, granting bail to the petitioner, is restored. Consequently, the petitioner is directed to be released from custody immediately on production of a copy of this order. Registry shall communicate a copy of this order to the Superintendent of Sub Jail, Thalassery.

**Sd/-
V.G.ARUN
JUDGE**

SSK/11/04



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APPENDIX OF CRL.MC 3407/2025

PETITIONER ANNEXURES

- | | |
|---------------------|---|
| Annexure I | A TRUE COPY OF THE FIRST INFORMATION REPORT
IN CRIME NO. 176/2021 OF PANOOR POLICE
STATION. KANNUR DISTRICT, DATED 31/3/2021 |
| Annexure II | A TRUE COPY OF THE ORDER DATED 20.04.2021
IN CRL.MC NO.510/2021 PASSED BY THIS
HON'BLE SESSIONS COURT, THALASSERY, KANNUR
DISTRICT |
| Annexure III | A TRUE COPY OF THE FIRST INFORMATION REPORT
IN CRIME NO. 180/2023 OF PANOOR POLICE
STATION, DATED 4/2/2023 |
| Annexure IV | A TRUE COPY OF THE ORDER DATED 06.07.2024
IN CRL. M.P. NO: 29/2024 IN CRL.MC NO.
510/2021 OF SESSIONS COURT, THALASSERY |

RESPONDENTS EXHIBITS : NIL

TRUE COPY

P.A. TO JUDGE