2025:KER:32149

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. 4973 OF 2025

CRIME NO.970/2024 OF WALAYAR POLICE STATION, PALAKKAD

AGAINST THE ORDER/JUDGMENT DATED IN BAIL APPL. NO.3873 OF 2025 OF HIGH COURT OF KERALA

PETITIONER(S)/3RD ACCUSED:

AJITH R
AGED 28 YEARS
S/O RAKHAVAN, THIRUVANANTHAPURAM, OLASSERY P.O,
KODUMBU, PALAKKAD DISTRICT, PIN - 678551

BY ADVS.
NAVANEETH.N.NATH
ABHIRAMI S.
ABDUL LATHEEF P.M.

RESPONDENT(S):

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

B.A.No.4973 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. Petitioner is an accused in Crime No.970/2024 of Walayar Police Station. The above case is registered against the petitioner alleging offences punishable under Sections 111(1), 112(2)(b), 111(3), 111(4), 111(6), 127(7), 140(1), 310(1), 310(2), 311, 318(1), 318(2), 109(1) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

3. The Prosecution case is that, between 29/11/2024 at 07:00 PM and 30/11/2024 at 04:00 PM, the petitioner along with the co-accused kidnapped the complainant in a premeditated manner and took him to the residence of the first accused causing physical assault and has obtained money from defacto complainant and there by the petitioner along with other co accused has committed the aforementioned offences.



4. Heard the learned counsel appearing for the petitioner and the learned 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 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 and shall produce the petitioner before

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the jurisdictional court on the date of surrender itself.

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

DM