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. 4988 OF 2025

CRIME NO.98/2025 OF Mulavukad Police Station, Ernakulam

PETITIONER/S:

ANURAJ
AGED 32 YEARS
S/O SYAMALA SHYRAJ, THITTAYIL, PONNARIMANGALAM,
MULAVUKAD P.O, MULAVUKAD, ERNAKULAM, PIN - 682504

BY ADVS.
P.A.MOHAMMED ASLAM
ARTHUR B. GEORGE
E.B.THAJUDDEEN
RAMSHAD K.R.
MUHAMMED RISWAN K.A.
SARATH SASI
MIDHUN MOHAN
IRSHAD V.P.
ABDUL SAMAD P.B.

RESPONDENT/S:

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

BY ADV
NOUSHAD K A, SR.PP

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

P.V.KUNHIKRISHNAN, J

B.A.No.4988 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 the 1st accused in Crime No. 98/2025 of Mulavukad Police Station, Ernakulam. The above case is registered against the petitioner alleging offences punishable under Sections 115(2), 118(1), 126(2), 189(2), 190, 191(2), 324(4) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

3. Prosecution case is that on 16.02.2025 at 09:15 p.m., accused Nos. 1 to 9 restrained the defacto complainant and his brother Vishnu, his relative namely Alan and Hashim. It is alleged that the 1st accused beat on the face of the said Hashim using a bangle and also beat on the forehead of the defacto complainant and he

sustained injury on his nose. Thereafter the accused persons assaulted the defacto complainant using hands. Hence it is alleged that the accused committed the above said offences.

4. Heard the counsel for the petitioner and the public Prosecutor.

5. Public Prosecutor seriously opposed the bail application. The Public Prosecutor submitted that the petitioner has got criminal antecedent. The other accused were released on bail under Section 482 of BNSS, because, there is no serious overt act to them. But, there is specific overt act to the petitioner, who is the 1st accused.

6. 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.

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. 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

AMR

APPENDIX OF BAIL APPL. 4988/2025

PETITIONER'S ANNEXURES

Annexure A1	**TRUE COPY OF THE FIR IN CRIME NO. 98/2025 MULAVUKAD POLICE STATION, ERNAKULAM DATED 18-02-2025**
Annexure A2	**TRUE COPY OF THE ORDER IN CRL.M.C 576 OF 2025 DATED 05-03-2024**
Annexure A3	**TRUE COPY OF THE ORDER IN BAIL APPLICATION NO 3520 OF 2025 DATED 20-03-2025**