

IN THE COURT OF SESSION, KOZHIKODE DIVISION

Present:-Sri. Pradeep P., Addl. Sessions Judge-IV

Saturday the 25th day of April 2026

(in charge of Sessions Judge)

BAIL APPLICATION No.477/2026

(Crime No.1068/2025 of Thamarassery Police Station)

Between:-

Sainulabdheen Kudukkil @
Kudukkil Babu, aged 55 years, : Petitioner/
S/o Moosa.K, Kudukkil House, Accused No.26
Raroth Thamarassery (PO),
Kozhikode District 673573

And:-

SHO of Police, Thamarassery : Respondent/
Police Station Rep. by Public Complainant
Prosecutor, Kozhikode

This petition is filed under section 483 of Bharathiya Nagarik Suraksha Sanhita, praying to release the petitioner on bail.

This petition coming on this day for orders before me upon perusing the petition and upon hearing the arguments of **Sri. P.V Hari and Smt. Sushama M,** Advocates for the petitioner and the **Public Prosecutor** for the State and the counsel for the informant the court passed the following:

ORDER

1. This is an application for regular bail filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita (for short BNSS).

2. The petitioner is the accused No. 26 in crime No.1068/2025 of Thamarassery Police Station.

3. Pithily, the case of the prosecution is that on 21.10.2025 from 10 p.m onwards, with a demand to close down the Chicken waste processing plant namely 'Fresh Cut' at Irachippara, the accused No.1 to 21 with about 300 identifiable persons, formed themselves into an unlawful assembly and protested against such unit with deadly weapons such as stones and sticks by raising slogans against such unit and police and obstructed the free usage of way. On giving direction to disperse, the accused persons disobeyed the same and with intend to kill the informant one among the accused persons pelted stones towards neck and also caused injury to the finger of Vishnu, Sub Inspector and consequently caused obstruction to his official duties. The prosecution also alleges that the accused persons committed mischief amounting to Rs. 5000/- by destroying lathies , and shields etc. So, the prosecution alleged that the petitioner along with other accused persons has committed offences punishable under sections 189(2), 189(3), 189(4), 191(2), 191(3), 298, 132, 121(1), 118(1), 109 (1), 190, 49 and 249(b) of BNS, 2023, Section 3(1) r/w 4 PDPP Act and Section 6 of Kerala Public Ways (Restriction of Assemblies and Processions) Act, 2011.

4. A report was called for. The Investigating officer filed report objecting the bail application.

5. Heard.

6. The following is the point arises for consideration:-

Is the petitioner entitled to get regular bail?

7. **The Point:-** The petitioner contended that there was presence of police including senior officers from 10 a.m. onwards at

the scene of occurrence. A peaceful agitation was going on from 10 a.m. to 04 p.m. The person who had assembled for a peaceful agitation had not committed any sort of disturbance or crime from 10 a.m. to 04 p.m. Thereafter, it was the supporters of the plant with the help of police who had created a scene there for the police to use unnecessary force against the person who were involved in the strike. The supporters of the plant made use of the opportunities and attacked the police as well as those who were agitating peacefully to provoke the police to use force. A number of persons who were involved in the peaceful agitation had sustained serious injuries. The petitioner is actively involved in the social work. The petitioner is the elected member of the Thamarassery Grama Panchayath. He is the president of Hidayathul Islam Mahal Committee. He is also the president of IUML Ward No. 10 of Thamarassery. He is also the manager of ALP School. He is also suffering from various ailments. He has undergone kidney transplantation and heart surgery. The petition has not instigated any local people or has no vested interests. The petitioner moved the Hon'ble High Court for pre-arrest bail. Hon'ble High Court directed the petitioner to surrender before the Investigating Officer. Accordingly he appeared before the investigating officer on 12.03.2026. His bail application was dismissed by the trial Court. So, he requests to grant regular bail.

8. The bail application is opposed by the learned Additional Public Prosecutor on the grounds that the investigation is not yet complete, and that the release of the applicant on bail may adversely affect the public tranquility, as he may again lead protests against the

plant with the aid of his supporters. He may also interfere with the investigation by intimidating or influencing the witnesses by using his political backing.

9. It is well entrenched that while deciding an application for bail, Court should refrain from evaluating or undertaking a detailed assessment of evidence, as the same is not a relevant consideration at the threshold stage. Reliance can be placed on **Jagjeet Singh V. Ashish Mishra @ Monu (AIR 2022 SC 1918)**. If face value is given to the allegation made by the prosecution, the accused has actively participated in the alleged offences. At the same time, the investigation may be nearing its fag end, as several months have already elapsed since the registration of the crime. So, the possibility of interference with investigation by the petitioner is remote. Most importantly, his custodial interrogation is also over. The accused was remanded to judicial custody on 12.03.2026 and he continues in judicial custody till now. Of course, the offences alleged against the accused persons are of a serious nature. Considering the allegations made against the petitioner and the gravity of the offences alleged and the period of incarceration already undergone by the petitioner in jail, I am of the view that further incarceration of the petitioner at this stage is unwarranted for the purpose of free and fair investigation. It has to be kept in mind that Bail is the rule and the Jail is the exception. Needless to say, no accused can be subjected to unending detention pending trial. Reliance can be placed on **Jagjeet Singh V. Ashish Mishra @ Monu (AIR 2022 SC 1918)**. The other apprehensions put forth by the prosecution such as his possibility of

abscondence, interference with investigation etc can be set at rest by imposing stringent conditions. I am of the view that further incarceration of the petitioner at this stage is unwarranted for the purpose of free and fair investigation. The presence of the petitioner for trial can be procured by imposing adequate conditions. Considering the entire gamut of the facts and circumstances, it appears to be a fit case to grant regular bail but on stringent conditions.

In the result,

The application is allowed as follows:-

1. The petitioner shall be released on bail in the event of his arrest on his execution of bail bond for ₹50000/- with two sureties each for like amount.
2. The petitioner while he is on bail shall not commit any offence similar to the offence of which he is the accused herein.
3. The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays starting from 27.4.26 between 9.00 am and 11.00 am for a period of 3 months or till the filing of the final report whichever is earlier.
4. The petitioner shall not make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to the police officer.

5. The petitioner shall make himself available for interrogation as and when required in writing by the Investigating officer.
6. The petitioner shall not leave India without the previous permission of the Magistrate concerned.
7. The petitioner shall not make any contact with the informant till filing the final report.
8. The petitioner shall either deposit ₹3,000/- (Rupees three thousand only) before the jurisdictional court or furnish bank security for the said amount before that court at the time of executing the bail bond.
9. It is further made clear that the amount of deposit ordered shall not be made a criteria by the trial court while assessing the actual damage and the compensation to be paid to the victim if in case the trial of the case ends in conviction.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in the open court, on this the 25th day of April 2026).

Sessions Judge (in charge)

Copy to:

1. The JFCM-I, Thamarassery
2. The SHO of Thamarassery Police Station
3. The Addl. Public Prosecutor, Kozhikode