

IN THE COURT OF THE SESSIONS JUDGE, ALAPPUZHA
Present: Sri.Suhaib.M, Addl.Sessions Judge-III
(Vacation Judge)
Friday the 15th day of May, 2026

B.A.No.533/2026
(Crime No.254/2026 of Kareelakulangara Police Station)

Between:-

Babu.K, Aged 63 years, S/o Kuttappan, residing at Puthan Purackal, Eruva East, Eruva P.O, Kayamkulam, Pin 690572	}	Petitioner
AND		
1. State of Kerala represented by the Public Prosecutor, Alappuzha. 2. The Station House Officer, Kareelakulangara Police Station	}	Respondents

Petition filed u/s.482 of Bharatiya Nagarik Suraksha Sanhita, 2023 to release the petitioner on bail in the event of arrest.

Petition was presented on : 30.04.2026

This petition coming on 12.05.2026 for hearing before me in the presence of Adv.Rakesh Edappura, Counsel for petitioner; Public Prosecutor for the Respondent; the Court on 15.05.2026 passed the following:-

ORDER

This is an application for pre-arrest bail filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita by the accused through his counsel.

2. The prosecution case in brief, is that, on 17.04.2026 at about 01.30 p.m., on a concrete road situated in Ward No.12 of Pathiyur Panchayath, the accused voluntarily caused hurt to the defacto complainant by striking him on his head with a wooden raft, thereby committed the offence punishable under Section

118(1) of the Bharatiya Nyaya Sanhita.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and has not committed any offence as alleged by the prosecution. It is further submitted that there is considerable delay in lodging the FIR and that the petitioner himself was attacked by the defacto complainant. The counsel also submitted that custodial interrogation of the petitioner is not necessary for the purpose of investigation.

5. The learned Public Prosecutor opposed the application and produced the report of the Investigating Officer. It is submitted that the defacto complainant sustained injuries in the incident. As per the wound certificate, the defacto complainant had sustained a lacerated wound on the frontal region towards the right side measuring 4x1x1 cm.

6. On a consideration of the rival submissions and the materials placed on record, it is seen that the allegation against the petitioner is of voluntarily causing hurt with a wooden raft. The injury noted in the wound certificate does not appear to be grievous in nature. The custodial interrogation of the petitioner is not indispensable for the effective conduct of investigation. The fact that there was delay in lodging the FIR and the contention raised by the petitioner regarding the existence of a counter version are also matters to be considered during the course of investigation. Considering the nature of allegations, the nature of injuries sustained, and the facts and circumstances of the case, I am of the view that the

petitioner can be granted pre-arrest bail subject to conditions.

In the result, this application is allowed and the petitioner is granted pre-arrest bail subject to the following conditions:

- i. In the event of arrest, after interrogation and after recovery of material object if any, the petitioner shall be released on bail on his executing a bond for Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the Arresting Officer concerned.
- ii. The petitioner shall appear before the Investigating Officer as and when required for the purpose of investigation.
- iii. The petitioner shall not directly or indirectly induce, threaten, or promise any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
- iv. The petitioner shall not involve in any offence while on bail.
- v. If any of the above conditions are violated, the jurisdictional Court concerned shall be at liberty to cancel the bail in accordance with law.

(Dictated to the Confidential Assistant, transcribed by him, corrected and pronounced by me in open court on this the 15th day of May, 2026.)

Sd/-
ADDL.SESIONS JUDGE-III
ALAPPUZHA
(VACATION JUDGE)