

IN THE COURT OF THE SESSIONS JUDGE, ALAPPUZHA
Present: Sri.Suhaib.M, Addl.Sessions Judge-III
(Vacation Judge)
Monday the 4th day of May, 2026

B.A.No.490/2026 & B.A.No.467/2026
(Crime No.255/2026 of Vallikunnam Police Station)

B.A.No.490/2026

1. Shijinsha, Aged 22 years, S/o.Shiiu Munna Manzil, Elippakulam P.O,, Kattanam, Alappuzha.	}	Petitioner/Accused
2. Adhil Shah.A, Aged 19 yrs, S/o Anasmon, Thadayil vadakkathil Eiippakulam PO,Alappuzha		
AND		
State of Kerala represented by the Home Secretary to Government through the Sub Inspector of Police, Vallikkunnam Police station by the Public Prosecutor. Alappuzha	}	Respondent/Complainant

B.A.No.467/2026

Between:-

1. Afsal.S, Aged 27 years, S/o Sathar, Neriya Palli Tharayil, Elippakkulam P.O, Choonad	}	Petitioners/Accused
2. Al Aman, Aged 28 years, S/o Shareef, Adikkattu Padeettathil, Elippakkulam P.O, Choonad		
AND		
The State of Kerala, represented by the Chief Secretary through the Sub Inspector of Police, Vallikunnam Police Station through the Public Prosecutor.	}	Respondent/Complainant

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

Petitions were presented on : 22.04.2026 & 17.04.2026

These petitions coming on 02.05.2026 for hearing before me in the presence of Adv.Sri. V.Vijayakumar, Counsel for petitioner (B.A. No.490/2026); Public Prosecutor for the Respondent; Adv.Sri. G.Priyadarsan Thampi, Counsel for petitioner (B.A. No.467/2026); Public Prosecutor for the Respondent; the Court on 04.05.2026 passed the following:-

ORDER

These are applications for pre-arrest bail filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita. In B.A. No. 490/2026, the petitioners are accused Nos. 1 and 2, and in B.A. No. 467/2026, the petitioners are accused Nos. 3 and 4. Since both applications arise out of the same crime and involve overlapping facts, they are being considered and disposed of by this common order.

2. The prosecution case, in brief, is that on 09.04.2026 at about 06.00 p.m., due to previous animosity, accused Nos. 1 to 5 formed themselves into an unlawful assembly in front of Maruthi Automobile Workshop in Ward No. 15 of Bharanikavu Panchayat, by the side of a public road. In furtherance of their common object, they restrained the car in which the defacto complainant, his friend were travelling. When the defacto complainant got down from the car, the 1st accused struck him on the head with a ring spanner, causing him to fall down. Thereafter, the 2nd accused hit him on the left ear with a stone, and the 3rd accused

attempted to attack him with a hammer. Accused Nos. 4 and 5 attacked the friend of the defacto complainant. Thus, the accused committed offences punishable under Sections 189(2), 191(2), 190, 126(2), 296(b), 351(3), 118(1), 115(2) and 110 of BNS.

3. Heard both sides.

4. Point for consideration:

Whether the petitioners are entitled to pre-arrest bail as prayed for?

5. **The Point:** The learned counsel for the petitioners submitted that the allegations are false and that the defacto complainant, who is a lawyer, has lodged the complaint with delay after two days, suppressing material facts. It is also contended that the petitioners are innocent and have been falsely implicated due to previous enmity.

6. Per contra, the learned Public Prosecutor strongly opposed the applications and submitted the report of the Sub Inspector of Police concerned. It is submitted that the allegations disclose a serious incident involving unlawful assembly and a brutal attack using weapons such as a ring spanner and stone. It is further submitted that custodial interrogation of the petitioners is necessary for effective investigation. The report also indicates the involvement the accused 2, 3 and 4 in another crime of similar nature, which raises concerns regarding their antecedents.

7. On perusal of the wound certificate dated 09.04.2026 issued from Taluk Hospital, Kayamkulam, it is seen that the defacto complainant sustained a

lacerated wound on the left temporal region of the head measuring 2 x 3 cm. The history of assault is noted at the time of examination, which lends prima facie support to the prosecution case.

8. The nature of the allegations, the overt acts attributed to each of the accused, and the use of weapons indicate a serious offence involving violence. The materials on record, at this stage, disclose prima facie involvement of the petitioners. The requirement of custodial interrogation cannot be ruled out, particularly in view of the need to ascertain the role of each accused and to recover the weapons allegedly used.

9. The contention regarding delay in lodging the complaint and alleged false implication are matters to be considered during trial and do not, at this stage, justify the grant of pre-arrest bail in a case of this nature. In the above circumstances, I am not inclined to grant pre-arrest bail to the petitioners.

In the result, B.A. No. 490/2026 and B.A. No. 467/2026 are dismissed.

(Dictated to the Confidential Assistant, typed by him directly, corrected by me, and pronounced in open court on this the 4th day of May, 2026.)

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