

**IN THE COURT OF THE ADDL.SESIONS JUDGE II,
ALAPPUZHA**

Present: Smt. Bharathi.S., Addl. Sessions Judge II

Wednesday the 19th day of November, 2025

Crl.M.P.No. 3504/2025 in SC.No.1081/2025 (Filed on.19.11.2025)
(Crime No.144/2025 of Arthunkal Police Station)

Petitioner :- State of Kerala, represented by the Addl.
Public Prosecutor, Addl. District & Sessions
Court-II, Alappuzha.

Cr. Petitioners :- A2. Vishnu, aged 25 years,
S/o. Venu
Vadakke Oranjuparambil, Kadakkarappally
Panchayath Ward-13, Kadakkarappally P.O.

A3. Amal Raj.E, aged 25 years,
S/o. Rajendran
Ettuparayil, Kaippuzha, Kudilil Kavala,
Karippuzha P.O., Neendoor Panchayath Ward-
10.

(By Adv.Smt. Soumya P.S(LADCS))

This petition having been finally heard on 19.11.2025 and the court on the same day passed the following:-

ORDER

1. This is a petition for cancellation of bail granted to accused nos.2 and 3 in Crl.MP.3469/2025. Petition filed by the prosecution.
2. Offence alleged against the accused is punishable u/Ss. 309(6), 118(1), 311, 126(2), 115(2), 324(6), 238(b) r/wS.3(5) of Bharatiya

Nyaya Sanhita and Section 5 of the Kerala Prevention of Damage to Private Property and Payment of Compensation Act, 2019.

3. Case of the prosecution, in brief, is the following: On 09.02.2025 at about 7.50 p.m, all the accused armed with deadly weapons like sword and sword stick with an intention to commit robbery, criminally trespassed to 'Challiyil Castle Bar' in Cherthala South Panchayath and in furtherance of their common intention damaged articles and furniture therein such as liquor bottles, glasses, doors, tables, LED TV etc., second accused inflicted a cut injury on the hand of CW3 and thereafter the accused committed robbery of liquor bottles worth ₹14,000/-. After the above incident, accused have also destroyed a parcel service counter, electronic display boards, Neon board and pillar lamps outside the above Bar and the accused caused a total loss of ₹3,02,000/-. Thus the accused are alleged to have committed offence punishable under the above provisions of law.
4. CrI.MP.3469/2025 was filed before this court on behalf of accused nos.2 and 3. As per order dated 18.11.2025 in the CrI.MP, after hearing both sides this court granted bail to accused nos.2 and 3 considering the fact that bail was already granted to first accused and

also considering the period of remand undergone by these two accused, i.e., since the date of arrest on 10.02.2025 and 15.02.2025 respectively. After passing the above order, it has come to the notice of this court when another petition filed on behalf of the first accused was placed for consideration, that there is an order of bail in favour of the second accused from the Hon'ble High Court of Kerala. However, no such order was placed along with the case records or submitted before this court. Further it was also seen that it is stated in the 'yadhasthu' portion of the final report that bail was granted to all the three accused, but they did not execute the bond. Noticing the above, both sides were directed to verify the same and submit before this court. It is at this juncture, the prosecution filed this petition for cancellation of the bail order passed in favour of accused nos.2 and 3 by this court.

5. Heard both sides and perused records.
6. In this petition, it is submitted by the prosecution that bail was already granted to accused nos.2 and 3. Along with the petition, the learned Additional Public Prosecutor produced copies of bail order already granted in favour of accused nos.1 to 3. It is seen that the

Hon'ble High Court has granted bail to the second accused as per BANo.4000/2025 dated 26.03.2025 imposing certain conditions and bail was granted to the third accused as per Crl.MC.623/2025 dated 15.05.2025 from the Sessions Court, Alappuzha. This fact was not submitted and brought to the notice of this court while considering Crl.MP.3469/2025. These orders were also not made available before this court while passing order in Crl.MP.3469/2025. The learned counsel for accused who filed Crl.MP.3469/2025 (LACDS counsel) submitted that accused nos.2 and 3 did not disclose the above fact to him.

7. Suppressing the fact of granting bail by the Hon'ble High Court of Kerala and Sessions Court in favour of accused nos.2 and 3, bail was obtained from this court for accused nos.2 and 3 as per Crl.MP.3469/2025. Therefore, the bail order in favour of accused nos.2 and 3 passed by this court in Crl.MP.3469/2025 is liable to be cancelled and I do so accordingly.
8. In the result, bail granted to accused nos.2 and 3 as per Crl.MP.3469/2025 is hereby cancelled and accused nos.2 and 3 can get released on bail on executing bond as directed by the Hon'ble

High Court in BA No.4000/2025 and as per order in
Crl.MC.623/2025 of the Sessions Court, Alappuzha respectively.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by
me and pronounced in open court on this the 19th day of November, 2025.

Sd/-

BHARATHI S.

ADDL. SESSIONS JUDGE-II

APPENDIX:- NIL

Id/-

ADDL. SESSIONS JUDGE-II