

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-III,  
N.PARAVUR

Present:- Smt.Sanitha.M.C., Judicial First Class Magistrate  
Dated this the 21<sup>st</sup> day of August, 2025

CrI.M.P.3409/2025 in Cr. 355/2025

Petitioner : State of Kerala represented by  
Inspector of Police,  
Puthenvelikkara police station in  
Crime: 355/2025  
(By Chitra Kesavan, APP, JFCMC-III,  
N.Paravur)

Respondent/Accused : Joy, aged 34/2025, S/o Joseph,  
Malieyakkal House, Thuruthoor.  
(By Adv. M.R.Madhu)

Offence : U/s. 126(2), 296(b), 118(2),115(2), 351(2),121(1) of  
BNS.

ORDER

1) The petition is filed by the Station House Officer, Puthenvelikkara Police station for cancellation of bail granted to accused.

2) Petition averments in brief is as follows:

The offence alleged against the accused is U/s. 126(2), 296(b), 118(2),115(2), 351(2),121(1) of BNS. The respondent is the accused in the case. He was granted conditional bail as per order in CrI.M.P 2187/2025 dated 13.05.2025. Investigating Officer completed investigation and final report was filed on 07.08.2025 and case was taken on file as CC 201/2025. The respondent violated the 3<sup>rd</sup> condition in the bail order by committing offence under sections 126(2), 115(2), 3(5) of BNS registered as Crime: 444/2025 of Puthenvelikkara police station. As the respondent violated the condition in the bail order ,prayed for cancellation of bail.

3) The respondent filed objection stating that the crime 444/2025 is falsely registered against the respondent/Accused. The respondent has not violated any condition and appeared before court without fail. No incident as alleged in crime 444/2025 occurred. There is no circumstance in this case to cancel the bail and remand the accused to custody, as it will obstruct the fair trial in this case and there is no circumstance for the respondent to abscond. Hence prayed for the dismissal of the petition.

4) Heard both sides.

5) Point

Whether petition is allowable ?

6) The Point

The offence alleged against the accused in this case is under section 126(2), 296(b), 118(2), 115(2), 351(2), 121(1) of BNS. He was granted bail by this court on 13.05.2025 as per order in CrI.M.P No. 2187/2025. The respondent was directed not to commit any offence while on bail. This petition is filed alleging that the accused violated the condition No:3 in the bail order and committed offence and involved in Crime No:444/2025 of Puthenvelikkara police station. The offences alleged in crime 444/2025 of Puthenvelikkara Police station is under sections 126(2), 115(2), 3(5) of BNS

7) The learned counsel for accused relied on decision of the **Hon'ble High court in the decision reported in Renjith v. State of Kerala 2023(2) KHC 310** which held that *a registration of subsequent crime against the accused by itself cannot result in an automatic cancellation of bail. Nature of the subsequent offence and persons against whom offence is alleged to have been committed, stage of the case wherein cancellation is sought are also factors that require appreciation before cancelling bail already granted.* It is also held that when it is seen that second crime cannot be treated as overwhelming enough to impede fair trial in the first crime, cancellation of

bail in the first crime cannot be said as proper. Especially when final report in the crime in which bail was sought to be cancelled was filed much earlier and there is no allegation that accused had misused his liberty against the defacto complainant therein. The *Hon'ble High Court in decision reported in 2023(2) KLT 676 Vishnu v. State of Kerala* also held that *a court called upon to cancel the bail already granted must carry out summary enquiry to ascertain whether the allegations raised as the ground to cancel the bail are correct based upon overall balance of probabilities of the case or whether it is raised only as a ruse to cancel the bail. It is also held that the crucial aspect regarding the proximity of the alleged commission of the subsequent crime cannot be ignored.*

8) The charge sheet in this case was filed on 07.08.2025, the crime 444/2025 of Puthenvelikara police station was registered only on 29.05.2025. On perusing the allegations in Crime 444/2025, the offence alleged is under sections 126 (2),115(2) r/w3(5) of BNS.. The learned counsel for accused argued that the accused is falsely implicated in this case as, the first offence is alleged to have committed against police officials. The accused was released from judicial custody in this on 14/05/2025. The subsequent crime is alleged to be committed on 29/05/2025, shortly after the release of the accused from judicial custody in this case. On analysis of the allegations in both cases and relying on the decisions of Hon'ble High court, the subsequent registration of the crime against the accused alone cannot be a reason to cancel the bail. Hence the petition is dismissed.

Dictated to the CA, typed on the computer, corrected and pronounced in open Court on this the 21<sup>st</sup> day of August, 2025.

Sd/-

Judicial First Class Magistrate-III,  
North Paravur

//True copy//

Judicial First Class Magistrate-III,  
North Paravur

