

IN THE COURT OF SESSIONS, KOZHIKODE DIVISION**Present:- Sri. Jennis Stephen, Addl. Sessions Judge-V**Saturday the 16th day of May 2026/ 26th day of Vaisakham 1948**CMP No. 01/2026****in****SC. No. 635/2020**

(Crime No.109/2019 of Kasaba Police Station)

Between:-

Subramanian@Appan Pilla Mani	}	<u>Petitioners/</u>
S/o Dharmalingam	}	<u>Accused No.1</u>
Jayamgodam, Ukkatta post	}	
Ariyallur, Tamilnadu	}	

And:-

State of Kerala Rep.by SHO,Kasaba	}	<u>Respondent/</u>
Police Station through Public Prosecutor,	}	<u>Complainant</u>
Kozhikode.	}	

This petition filed by the petitioner u/s 483 of BNSS praying to release on bail

This petition coming on the 11th day of May, 2026 for final hearing before me in the presence of Smt.Mini.P advocate for the petitioner/accused and of Smt.Sreeja.M.P., Addl.Public Prosecutor for the state and having stood over to this day for consideration, the Court passed the following.

ORDER

This is an application for bail filed by the petitioner under Section 483 of the Bharathiya Nagarik Suraksha Sanhita (BNSS), 2023. The Petitioner is the first accused in Crime No.109/2019 of Kasaba Police Station. The offences charged against the petitioner are under sections 341, 323, 324,

307 r/w 34 of IPC. The petitioner was arrested and remanded pursuant to the Non-Bailable Warrant issued by this court pursuant to the violation of the bail condition imposed by this court.

2. It is argued by the petitioner that the petitioner/accused is in judicial custody from 25-04-2026. The allegations against the accused are false, and he has not committed any offence as alleged by the police. Hence, he prayed for his release on bail. He is ready to appear before the Court as and when directed by the Court.

3. The learned Public Prosecutor has opposed the bail application. The Investigating Officer filed a report stating that the offences alleged are very serious and grave in nature. The accused was originally released on bail and since he did not appear before this court, a non-bailable warrant was issued against the accused. On 15.05.2024 the accused was arrested and produced. He was again granted bail and he again absconded. He was again arrested on 25.04.2026. He was not present at the address given by him. If the bail is granted there is every chance of him absconding again and causing delay in case proceedings.

4. On perusal of the records, it is revealed that the petitioner/accused was granted bail by this Court twice. When the trial of the case was started the accused was absent and therefore, a non-bailable warrant was issued against the accused on 22.03.2024. On 15.05.2024 the accused was arrested and produced before the court. Thereafter, the bail application was filed, and by order dated 17.10.2024 he was granted bail. There were no sureties to take him on bail, and thereafter, he filed an application for modifying the bail condition and the bail condition was modified to the extent that the petitioner shall execute a bond for ₹50,000/- with one solvent surety for the like sum and the accused was released. Now a non-bailable warrant was issued against the accused since he again went absconding. The accused/petitioner was arrested on 25.04.2026 and he was remanded to judicial custody.

5. The accused had violated the bail conditions twice. The petitioner can not be granted bail since he is repeatedly violating the bail condition. The SC is of the year 2020 and the trial can be started immediately. Considering the conduct of the accused, the possibility of his absconding again is very much prevalent. This court finds merit in the apprehension raised by the prosecution that if the petitioner is again released on bail, there is a chance of him absconding which will delay the trial.

Considering these circumstances, I am not inclined to grant bail to the petitioner/accused.

In the result, the petition is dismissed.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court on this the 16th day of May, 2026).

Sd/-
Addl. Sessions Judge-V