

**IN THE COURT OF SPL. JUDGE FOR THE TRIAL OF
OFFENCES AGAINST WOMEN AND
CHILDREN/ADDL.SESIONS JUDGE-I, THALASSERY**

Present: Sri. Denny C J, Special Judge/ Addl. Sessions Judge-I ,
Thalassery

Monday the 08th day of June, 2026/ 18th Jyaishta, 1948.

CrI.MP No.01/2026

(SC No.460/2025, Crime No.35/2025 of Dharmadam Police Station)

Petitioner/Accused:-

Jashidul Islam, aged 38 years, S/o.Nal Miyan,
VIII Baniara Para, Garemari, Barpeta District, Assam.

Vs.

Respondent/Complainant:-

State: SHO, Dharmadam Police Station,
Rep. by Addl.Public Prosecutor, Thalassery.

This is an application filed u/s. 483 of B.N.S.S for bail.

This petition coming on the 05th day of June, 2026 for hearing before me in the presence of Shri. Muhammed Shiyas P V, Advocate for the petitioner and the Addl.Public Prosecutor for the State and having stood over for consideration till this day, the Court passed the following:-

ORDER

This is the second application filed u/s.483 of the Bharatiya Nagarik Suraksha Sanhitha, 2023.

2. The petitioner stands charge sheeted for the offence u/ss.332(b), 309(4), 309(6) and 109(1) of BNS.

3. The prosecution allegation is that on 18.01.2025 at 7.00 pm, the accused with the intention to murder CW2 and rob the gold ornaments, trespassed into the quarters having Door No.XVI/290 of Eranholi Grama Panchayat, wherein CW2 was residing alone, and voluntarily caused grievous hurt to her by hitting with a brick on her head and face and thereafter tied her on the cot, and robbed earrings worth ₹38,000/- worn by CW2. Hence, the accused committed the aforesaid offences.

4. The petitioner was arrested on 20.05.2025 and since then he is in judicial custody.

5. The Public Prosecutor filed a report and vehemently objected to the bail application.

6. Heard both sides.

7. The counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him. The entire Prosecution story is falsely fabricated and devoid of truth. The petitioner has been implicated in the crime without any legally sustainable materials. The arrest of the petitioner was illegal, arbitrary and in clear violation of the Constitution safeguard guaranteed under Article 21 and 22 of the Constitution of India as well as the mandatory safeguards contemplated under the BNSS. The petitioner could not understand the exact nature of acquisition of the reason for his arrest. The memo prepared by the Police authorities also does not reflect proper complaints of the mandatory legal requirements relating to communication of ground of arrest. The petitioner has no criminal antecedents. The petitioner is the sole breadwinner of his family. It is also stated that the petitioner was ready to abide by any condition imposed by this Court. Hence, it is prayed that the petitioner may be enlarged on bail.

8. On the other hand, the learned Additional Public Prosecutor submitted that, after the commission of the crime the petitioner had absconded and was subsequently taken into custody on 20.05.2025 from Assam. He further submitted that since the petitioner is a migrant labourer from Assam, there is every chance for the petitioner to abscond from the locality, if he is released on bail. The investigation of the case is over and a charge sheet has been filed before the Court. Hence, the Prosecutor pleaded to dismiss the petition.

9. The investigation of the case is over and the case is taken on file as SC No 460/2025. The FIR was registered on 18.01.2025 on the basis of the statement given by the de facto complainant. The counsel appearing for the

petitioner submitted that the arrest of the petitioner was illegal, arbitrary and in clear violation of the Constitution safeguard guaranteed under Article 21 and 22 of the Constitution of India as well as the mandatory safeguards contemplated under the BNSS. The learned Addl. Public Prosecutor submitted that the Prosecution has complied with the mandatory provisions contained in Secs.47 and 48 of the BNSS. On going through the records, it is seen that the mandatory provisions contained in Secs.47 and 48 has been complied with. Notice to inform grounds of arrest and reason of arrest and ground of arrest has been read over to both the petitioner and his wife in Assamese language with the help of Barpeta Road Police Officials. The Addl. Public Prosecutor also stated that the petitioner is a migrant labourer. He further submitted that after the commission of the crime, the petitioner absconded from the locality and on 20.05.2025 he was taken into custody from Assam. The prosecution apprehends that if the petitioner is released on bail, he is likely to commit similar offences and also abscond from the locality. I find merit in the apprehension expressed by him. As pointed out by the Addl. Public Prosecutor that if the petitioner is granted bail and released, the possibility of absconding by the petitioner cannot be ruled out. The earlier application filed on behalf of the petitioner was dismissed by this Court. There is no change of circumstance. Considering all these aspects, I am not inclined to grant bail to the petitioner/accused. Hence, the bail application is dismissed.

In the result, the petition stands dismissed.

(Dictated to my Confidential Assistant, typed by her, corrected and pronounced by me in open Court, on this the 8th day of June, 2026.

Sd/
SPECIAL JUDGE/
ADDL. SESSIONS JUDGE-I

Copy to:-

- 1) The Petitioner.