

**IN THE COURT OF THE ADDITIONAL DISTRICT AND SESSIONS,
TALIPARAMBA**

Present:- Sri.Prasanth.K.N, Additional District and Sessions Judge
Friday, the 6th day of February, 2026/ 17th Magha, 1947

C.M.P 02/2026 in SC 470/2025

(Crime No. 304/2025 of Pariyaram Medical College Police Station)

Santhosh.N.K, S/o.E.T.Janardhanan, Aged 40 years,
Naloor Korachan Veetil, Vilayarcode,
Karippal (PO), Thimiri amsom desom,
Taliparamba Taluk, Kannur Dist. 670581

Petitioner/
1st Accused

Vs.

State of Kerala, Represented by its Public
Prosecutor, Taliparamba.

Respondent/
Complainant

Petition filed Under Section 483 of BNSS, for regular bail.

This petition coming on this day for final hearing before me in the presence of Sri.Denny George, Advocate for the Petitioner/ Accused and the Court passed the following:-

ORDER

Case details

No	Heading	Description
1	Crime & Police	304/2025, Pariyaram Medical College Police
2	Offences Under Sections	103(1), 332(a), 45(c), 61(2)(a) r/w 3(5) of BNS, 3(1) r/w 25(1B) (a), 7(a), 27(3) of Arms Act.
3	Occurrence	20.03.2025, 17.45 hrs.
4	FIR	21.03.2025, 1.36 hrs.
5	Arrest and remand	21.03.2025
6	Rank of petitioner	Accused No. 1
7	Previous bail applications	CrI.MC 825/2025 BA 7727/2025, BA 9679/2025
8	Result	Dismissed by the Session Court & the High Court on 11.06.2025, 27.06.2025, 11.09.2025
9	Detention period	11 months (322 days)
10	Final report	16.06.2025
11	Committal	CP 43/2025, JFCM, Payyannur
12	Criminal antecedents	Nil
13	Facts	Commit murder by a gunshot to the left chest
14	Objections	Seriousness of crime, fleeing from justice, tampering with evidence, threatening the witness, repetition of the offence
15	Defence	Period of incarceration, plea of innocence
16	Result	Bail granted

The beginning

“Prolonged incarceration before being pronounced guilty of an offence should not be permitted to become punishment without trial.”

Manish Sisodia V. Directorate of Enforcement, 2024 KHC Online 6426

1. This application for regular bail was filed under **Section 483** of the **BNSS** by the first accused in **Crime No. 304/2025** of Pariyaram Medical College Police Station registered for the offences punishable under **Sections 103 (1), 332 (a), 45 (c), 61 (2)(a) r/w 3 (5)** of the **BNS** and **Sections 3 (1) r/w 25 (1-B) (a), 7 (a) r/w 27 (3)** of the **Arms Act**.

Facts in brief

2. The gist of the prosecution allegation is that the petitioner was in an extramarital illicit affair with the third accused, who was the wife of the deceased, and both hatched a criminal conspiracy on 08.03.2025, at MTP residency, Payyannur. In pursuance of the conspiracy, on 23.02.2025, the petitioner collected an unlicensed gun from the second accused and at 19.05 hrs., he trespassed into the house of the deceased situated at Kaithapram in Panappuzha Amsom. The petitioner hid in the house and waited for the deceased to arrive, and he shot the left chest of the deceased with a gun, and the deceased succumbed to death. The petitioner committed the murder with the aid of the second accused and due to the abetment of the third accused, with an intention of causing his death. Thus, the accused is alleged to have committed culpable homicide amounting to murder, and thereby committed the aforementioned offences.

Proceedings

3. The petitioner was arrested and produced before the committal court on 21.03.2025 and was remanded to judicial custody from that day onwards.

4. The Station House Officer filed a bail objection report and opposed the bail application.

5. Heard both sides and perused the documents.

6. The petitioner pleaded the plea of innocence and the long period of detention, and contended that the final report has been filed after completing the investigation, and he is ready to abide by any conditions that might be imposed during bail. On the other hand, the prosecution vehemently opposed the application on the grounds of the seriousness of the charge, the chance of fleeing from justice, tampering with the prosecution's witnesses, and the chance of repetition of the offence.

Discussions

7. It is the settled principle of law that personal liberty is at a very high pedestal in our constitutional system, which is enshrined under **Article 21** of the Indian Constitution, and the same cannot be meddled with in a casual manner. The presumption of innocence is the privilege of every accused, and the deprivation of liberty must be considered a punishment unless required to ensure that an accused person will stand trial when called upon. The Hon'ble

Apex Court has reiterated this significant position in various precedents like *Sanjay Chandra V. CBI, 2011 KHC 5051, P. Chidambaram V. Directorate of Enforcement, 2020 (13) SCC 791, Gurbaksh Singh Sibbia V. State of Punjab, 1980 (2) SCC 565* and *Prabir Purkayastha V. State (NCT of Delhi), 2024 INSC 414*.

8. The bail applications of the accused were dismissed by the Principal Sessions Court, Thalassery, in CrI.MC 825/2025 on 05.08.2024. The Hon'ble High Court considered the bail applications of the petitioner in BA No.7727/2025, which was dismissed as not pressed, and BA No.9679/2025 was dismissed on 11.09.2025. The last bail application, BA No.14730/2025, was withdrawn by the petitioner on 28.01.2026, **with liberty to move an application before the trial court.**

9. It is trite that the offences alleged against the accused are grave in nature. The records show that the accused have been in judicial custody since 21.03.2025, for more than eleven months. It is evident from the records that, after completing the investigation, the final report was submitted on 16.06.2025, and the case was committed by the magistrate court after taking cognizance. So, the petitioners' further detention in judicial custody is not required for any investigative purpose.

10. It is pertinent to note that the second accused, who gave an unlicensed gun to the first accused just before the incident, was arrested on

18.04.2025, and the bail was granted to him after **33 days** by the Hon'ble High Court of Kerala in BA No.6485/2025 on 21.05.2025. The mastermind of the alleged crime, the wife of the deceased, the third accused, was arrested on 29.04.2025, and the bail was granted to her after **30 days** by the Principal Sessions Court, Thalassery, as per CrI.MC 752/2025 on 28.05.2025. The second and third accused were granted bail by the Sessions court and High Court **after one month**, and they are still residing in the locality and interacting with the witnesses.

11. The police report shows that the accused was not involved in any case so far. The last bail application was dismissed by the Hon'ble High Court five months ago, on 11.09.2025. The prolonged incarceration of eleven months and the passage of five months since the last dismissal of the application **constitute firm grounds for the change of circumstances.**

12. The person who hatched a criminal conspiracy with the petitioner and gave information regarding the arrival of the deceased to the petitioner can be treated as a real abettor and conspirator of the crime, and was released on bail just after one month. According to the petitioner, the de facto complainant is the deceased's son and the third accused, who still resides with the real conspirator, and the petitioner, still behind bars for the last eleven months, is nothing but an apparent disparity. In other words, the gun, the finger and the trigger were free and still the bullet remained in jail. It is pertinent to

note that there was only a single gunshot by the petitioner to the deceased. Even though it is a serious crime in nature, it was an outcome of the illicit affair triggered by the third accused.

13. After analyzing the present scenario, this court is concerned about the prolonged period of incarceration suffered by the petitioner. This is a 2025 case, and under normal circumstances, it would have been possible to expedite the trial while the petitioner remained an under-trial prisoner. Considering the pendency of the cases in this court, including 23 high-profile murder cases from 2011 onwards, there is no possibility of starting the trial in the near future. At the same time, the apprehension expressed by the prosecution can be addressed by imposing necessary conditions. Aforesaid reasons, despite the seriousness of the crime, this court is inclined to grant bail to the petitioner by recalling the words of the Hon'ble Supreme Court, "*long pre-trial detention is a pre-trial conviction.*"

Conclusions

14. **Resultantly**, the petition is allowed, and bail is granted to the petitioner subject to the following conditions.

Conditions

1. The petitioner shall execute a bond for **₹1,00,000** (Rupees One Lakh only), with two solvent sureties each for the like sum, to the satisfaction of this court.

2. The petitioner shall surrender his original passport before this court, and if he does not have it, he shall file an affidavit disclosing the same.
3. The petitioner shall appear before this court in person or through counsel on all posting dates without fail.
4. The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, or any other offence till the disposal of this case.
5. The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer or tamper with the evidence.
6. The petitioner shall not enter the limits of the Kannur district except to comply with the third condition until further orders.
7. The petitioner shall appear before the SHO of the Cheemeni police station, within the jurisdiction of the proposed residence, at 10.00 am on every Sunday for the first three months, on every alternative Sunday for the next three months, and thereafter, on the first Sunday of every month until the disposal of the case.
8. The petitioner shall file a statement disclosing the residential address with phone numbers, where he intends to reside.
9. The petitioners shall not leave the jurisdiction of the State of Kerala without the prior permission of this court.
10. The DLSA Kasargod is directed to ensure the presence of a PLV to inspect the residence of the petitioner and monitor the living condition,

character and mental status of the petitioner, every month and file a report if necessary.

11. *Needless to say*, if there is any violation of the conditions described above, the investigating officer is at liberty to move for cancellation of bail.

(Dictated to the Confidential Assistant, transcribed by her, corrected by me and pronounced the same on the 6th day of February 2026).

Sd/
**ADDL. DISTRICT AND SESSIONS JUDGE,
TALIPARAMBA**