

IN THE COURT OF SESSIONS, KOTTAYAM DIVISION

Present:- Sri. Satheesh Kumar V,
Additional Sessions Judge-IV, Kottayam
(Holding full additional charge of Addl Sessions Judge-V, Kottayam)

Wednesday the 21st day of January 2026

01st day of Magha 1947

Criminal MP No. 02/2026 in SC No.43/2022

(In Crime No.839/2020 of Manimala Police Station)

Petitioner/

Accused No.5:-

Basith Basheer (A5), aged 35 years, S/o K A
Basheer, Basheer Manzil, Fathimapuram Post,
Changanassery, Kottayam District, PIN - 686102
By Adv. Anjaly T A (M/s. Kumar & Rebel)

Respondent:-

State of Kerala, represented by the Station House
Officer, Manimala Police Station, represented by the
Public Prosecutor, Addl. District & Sessions Court-
V, Kottayam.
By Addl Public Prosecutor Adv. Saji S Nair

This petition is filed by the petitioner u/s 480(3) of BNSS 2023 seeking to modify Condition No. (4) of the bail order dated 06.10.2020 and to seek permission to travel abroad for employment.

This Crl MP coming up for final hearing on 20.01.2026 and the Court on 21.01.2026 passed the following.

ORDER

1. This is an application filed by the 5th accused under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhitha, 2023 (BNSS), seeking to modify Condition No. (4) of the bail order dated 06.10.2020 passed in

CrI. M.P (Temporary) No.390/2020, and also seeks permission to travel abroad for employment.

2. The petitioner is the 5th accused in S.C. No. 43/2022 (originating from Crime No. 839/2020 of Manimala Police Station), involving offences punishable under sections 395, 323, 324, 506(ii), and 342 of the Indian Penal Code. He was granted bail by this Court on 06.10.2020 with conditions, inter alia, that he shall not leave the State of Kerala without prior permission.
3. The learned counsel for the petitioner submitted that the petitioner has secured employment as a Security Guard with MES Security Services L.L.C., Abu Dhabi, UAE, and an employment visa was issued on 24.11.2025. It is further submitted that the petitioner's passport (No. W3242996) was seized by the Bureau of Immigration at Cochin International Airport on 16.12.2025 due to the pendency of this criminal case. The petitioner highlights his deteriorating health following a cardiac arrest in 2025 and the urgent need for this employment to meet medical expenses. The High Court of Kerala, in CrI.M.C. No. 309/2026, directed this Court to hear and pass orders on this application by 20.01.2026, noting that the petitioner's visa is valid

only until 22.01.2026.

4. The learned Public Prosecutor strongly opposed the application, placing reliance on the report of the Station House Officer, Manimala. The prosecution contends that the petitioner is involved in a serious dacoity case and there is a high probability that he may abscond, evade trial, or commit similar offences abroad, considering his past conduct.
5. Perused the records as well. While the charges against the petitioner are serious, it is observed that he has been on bail since October 2020 and has complied with all bail conditions so far. Depriving an accused of the opportunity for employment abroad may result in irreparable injury to his livelihood. Considering the directions of the Hon'ble High Court and the petitioner's stated need for employment to maintain himself and his family, this Court is inclined to grant limited permission with stringent conditions.
6. **In the result, the petition is allowed. Condition No. (4) of the bail order dated 06.10.2020 in CrI. M.P (Temporary) No. 390/2020 is modified to the extent of permitting the petitioner to travel abroad for a period of two years for employment purposes, subject to the following conditions:**

- 1. The petitioner shall execute a bond for ₹1,00,000/- (Rupees One Lakh only) with two sureties each for the like sum.*
- 2. Before leaving the country, or, if not possible, within a month thereafter, the petitioner shall file an affidavit before this Court providing his overseas address, both residential and official, contact number, and email ID, along with the details of his employer.*
- 3. The petitioner shall engage a Counsel throughout the case to represent him in his absence. He shall not dispute his identity and shall authorise his Counsel to act in his absence, as per law.*
- 4. The petitioner shall appear before this Court in person as and when specifically directed for the purpose of framing charges, identification or examination under section 313 Cr.PC/351 BNSS, or any other stage of the trial.*

Dictated to the software, corrected by me, and pronounced by me in Open Court on this the 21st day of January, 2026.

Sd/-
Satheesh Kumar V
Additional Sessions Judge - V
(In charge)

//True Copy//

Copied by:
Compd. by:

By Order
Sd/-
Sheristadar

**Copy of Order in
Crl. M.P. No.02/2026
in S.C. No.43/2022
Dated : 21.01.2026**