

IN THE COURT OF SESSIONS KOTTAYAM DIVISION

Present: Sri. Ranjith Krishnan N.,
Addl. Sessions Judge-V Kottayam

Tuesday the 24th day of March, 2026
3rd day of Chaithra, 1948

Crl.M.P No.556/2023 in SC.No.43/2022
(Crime No.1775/2022 of the Karukachal Police Station)

Petitioner:

State of Kerala represented by
Addl. Public Prosecutor, Kottayam

By Addl. Public Prosecutor Sri.Saji S.Nair

Respondent :

Abin T.S, aged 24/22 years,
S/o. Binu, Thakidiyel House,
Kottamchira Bhagom, Pathanadu P.O.,
Kangazha Village, Kottayam.

No Vakalath seen filed

Petition filed under Section 439(2) of the Code of Criminal
Procedure, 1973.

This Crl.M.P. having been finally heard on 24.03.2026 and
the Court on the same day passed the following :

ORDER

1. This petition is filed by the learned Additional Public Prosecutor under section 439(2) of the Code of Criminal Procedure, 1973, seeking the cancellation of bail granted to the respondent, who is the fourth accused in the above case.
2. The averments in the petition in brief is that the respondent was granted bail by this Court on 27.11.2020, subject to several conditions among which one condition was that "the petitioner shall not commit any similar offence while on bail". It is alleged that the respondent has violated the said condition by getting involved in another crime which was registered at Karukachal Police Station as crime No.1775/2022 alleging commission of offences punishable under S.341, 294(b), 323, 506(ii) and 308 of IPC.
3. In support of this petition, the prosecution has produced a copy of release memo dated 24.11.2020 of JFCM, Ettumanoor and a copy of the First Information Report (FIR) in Crime No. 1775/2022 of Karukachal Police Station.
4. The learned counsel for the respondent contends that the subsequent case has been falsely registered against him and that the mere registration of an FIR is not a sufficient ground to cancel bail, as an accused is presumed innocent

until proven guilty. It is further contended that the prosecution has failed to establish any nexus between the subsequent crime.

5. Heard both sides and perused the petition and the documents filed in support thereof.

6. The law on the cancellation of bail is well-settled. In **Dolat Ram and others v. State of Haryana (1995 (1) SCC 349)** the Hon'ble Supreme Court stated that unless the involvement in the subsequent crime is affecting the trial of the earlier crime bail cannot be cancelled in a mechanical manner. In **P.v. State of Madhya Pradesh and another (2022 SCC online SC 552)** The Hon'ble Apex "stated that there cannot be automatic cancellation of bail on account of violation of bail condition. Also, In **Godson v. State of Kerala (2022 (2) KLD 447)**" the Hon'ble High Court held that the conditions to be imposed while granting bail, are contemplated under S.437(3) r/w. S.439(1)(a) of Cr.PC. The condition not to involve in similar offences during the bail period is something which is specifically stipulated in the aforesaid provision. Since such a condition is specifically mentioned in the statute, that would indicate the importance of such condition and the necessity to insist on the compliance of the same. However, the question that arises here is whether a violation of the said condition should result in the cancellation of the bail in all the cases. In my view, merely because of the reason that such a condition was imposed

while granting bail to the accused, that would not result in the cancellation of bail automatically. This is particularly because, since the order of cancellation of bail is something that affects the personal liberty of a person, which is guaranteed under Article 21 of the Constitution of India, unless there are reasons justifying or warranting such an order, the bail already granted cannot be cancelled. While considering an application to cancel the bail on the ground of non compliance of the conditions, the Court has to consider the question whether the alleged violation amounts to an attempt to interfere with the administration of justice or as to whether it affects the trial of the case in which the accused is implicated." In the light of the above decisions, it is clear that the considerations for granting bail and for its cancellation are not identical. Bail, once granted, should not be cancelled in a mechanical manner. Cogent and overwhelming circumstances are necessary for an order directing the cancellation of bail already granted.

7. When cancellation is sought based on the commission of a subsequent offence, the court must do more than simply take note of the new FIR. The court must satisfy itself that the alleged violation amounts to an attempt to interfere with the administration of justice or affects the trial of the case in which the accused is implicated. A nexus between the subsequent crime and the pending trial is a crucial factor.

8. Applying these legal principles to the facts of this case, the original case (S.C. No.43/2022) involves allegations of attacking the defacto complainant and CW2 with iron rods etc. and robbery of money along with their car.
9. The subsequent case (Crime No. 1775/2022) arose from an altercation between the respondent and another person named Shameem, allegedly over some misunderstanding on 05.12.2022 at 4.00 p.m. at Plackalpadi Junction.
10. It is not the prosecution's case that the victims in the new crime are witnesses or are otherwise connected to the pending case. The motive for the subsequent offence, as alleged in the FIR, does not suggest an attempt to interfere with the trial of the earlier case.
11. In the absence of any material establishing a link between the subsequent offence and the pending trial, this court cannot mechanically cancel bail merely upon the registration of a new FIR. Such an action would be improper, as there is no allegation that the respondent's act was intended to interfere with the trial in S.C. No. 43/2022. The high threshold of "cogent and overwhelming circumstances" has not been met by the prosecution in this instance.

12. **In the result**, the petition is found to be devoid of merit and is accordingly dismissed.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open Court, on this the 24th day of March, 2026.

Sd/-
Ranjith Krishnan N
Addl. Sessions Judge-V,
Kottayam

//True Copy//

By Order

Sd/-
Sheristadar