

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 24th day of December 2025

3rd day of Pousha 1947

Criminal MP No. 2168/2025 in SC No.928/2024

(In Crime No.1352/2024 of Kottayam West Police Station)

Petitioner/ Sreedev Mohanan (A1), Aged 24 years, S/o
Accused No.1:- Mohanan, Ottaplackal House, Perumpaikkad
P.O, Kottayam Taluk

By Adv. Nrupen Vadakken

Counter State of Kerala, represented by the Public
Petitioner:- Prosecutor Addl. District & Sessions Court-V,
Kottayam.

By Addl Public Prosecutor Adv. Saji S Nair

This petition is filed by the petitioner u/s 483 of BNSS 2023 to
pass an order to grant bail.

This Crl MP coming up for final hearing on 22.12.2025 and the
Court on 24.12.2025 passed the following.

ORDER

1. This is an application for regular bail filed under section 483 of the
Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. The petitioner is

the first accused (A1) in S.C. No. 928/2024, facing charges under Sections 111(1)(i)(ii) (Organised Crime), 109 (Attempt to Murder), 351(3) (Criminal Intimidation), 118(1) (Voluntarily Causing Hurt), and 296(b) (Obscene Acts) read with Section 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023.

2. The gist of the allegation is that on 23.08.2024, at Baker Junction, Kottayam, the petitioner, along with two other accused, being members of an organised crime syndicate, intercepted the official vehicle of CW1, a Judicial Magistrate. It is alleged that A1 aimed a bottle filled with petrol at the Magistrate, threatening to set her ablaze, while using obscene language and criminal intimidation.

3. The learned counsel for the petitioner argued that the petitioner has been in custody since 23.08.2024 and that the investigation is complete with the final report already filed. It was further contended that the petitioner is the sole breadwinner for his aged mother.

4. The learned Public Prosecutor strongly opposed the bail, highlighting that the attack was directed at a Judicial Officer. The prosecution pointed out that A1 is a history-sheeter with several

pending cases involving attempt to murder and organised criminal activities.

5. The assault on a Judicial Officer is a direct attack on the justice delivery system. The totality of circumstances and the precarious situation created by assaulting a Judicial Officer without provocation necessitate a custodial trial.

6. The petitioner's involvement in multiple heinous crimes cannot be ignored. The criminal history of an accused is a crucial factor in bail matters.

7. The mere filing of a charge-sheet does not constitute a "change of circumstance" sufficient to grant bail in grave offences where there is a risk of witness intimidation. CW1 was examined yesterday.

8. Considering the gravity of the allegations involving organised crime, the threat to a Judicial Magistrate, and the petitioner's significant criminal antecedents, this Court is of the view that the apprehension of the prosecution regarding witness tampering and the safety of the de facto complainant is well-founded. A custodial trial is necessary to preserve public faith in the rule of law.

9. In the result, the petition stands dismissed.

(Prepared by me on my personal computer, corrected and pronounced
by me in open Court on this the 24th day of December, 2025)

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

Copied by:
Compd. by:

**Copy of Order in
Crl. M.P. No.2168/2025
in S.C. No.928/2024
Dated : 24.12.2025**

