

IN THE COURT OF THE ADDL. SESSIONS JUDGE III, MANJERI
Present:- Sri. Suraj S., Additional Sessions Judge - III

Tuesday, the 14th day of October, 2025

CRIMINAL MISCELLANEOUS PETITION No. 1398/2025.
(In S.C. No.1250/2022)

Between:-

Abbas Ali. M,
Inspector of Police,
Karippur Police Station.

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Petitioner/
Complainant

And:-

Shamnad Ariyan, S/o. Abdul Jabbar,
Ariyan House, Kodur Post,
Cholakkal, Malappuram District.

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Respondent/
5th Accused

This petition coming on this day for hearing before me in the presence of Additional Public Prosecutor for the petitioner and of Sri. N. Sree Prakash., Advocate for the respondent, the Court passed the following:-

ORDER

The Inspector of Police, *Karipur* Police Station, has filed this application through the Public Prosecutor seeking cancellation of the bail granted to the 5th accused in the above Sessions Case.

2. The above Sessions Case No. 1250/2022 was registered alleging offences punishable under Sections 395, 212, and 120B of the Indian Penal Code. According to the prosecution, on 21.01.2022, accused Nos. 1 to 6 attempted to rob gold ornaments carried by a passenger who had arrived at the Calicut International Airport.

3. The 5th accused was arrested and remanded to judicial custody. He subsequently filed Crl.M.C. No. 189/2022 before the Sessions Judge, *Manjeri*, seeking bail under Section 439 of the Cr.P.C. The Sessions Judge allowed the

bail application, subject to certain conditions. One of the conditions was that the accused shall not involve himself in any criminal offence while on bail.

4. According to the Inspector of Police, on 05.05.2025, the 5th accused, along with 11 others, attacked a person and caused injuries to him. It is further alleged that the assailants robbed the complainant of his mobile phone and cash. Based on this incident, Crime No. 321/2025 of *Kolathur* Police Station was registered, alleging offences punishable under Sections 126(2), 115(1), 118(1), 137(2), 309(4), and 110 of the Bharatiya Nyaya Sanhita. The respondent/5th accused was arrayed as the 10th accused in the said crime. The Inspector of Police has therefore filed this application for cancellation of bail on the ground that the accused has violated the conditions imposed by the Sessions Court while granting bail.

5. The 5th accused entered appearance and filed a counter-statement. The learned Public Prosecutor contended that the Order in CrI.M.C. No. 189/2022 clearly imposed a strict condition restraining the accused from being involved in any criminal offence while on bail. However, the records reveal that the accused has again engaged in a similar serious offence. Hence, it was argued that the bail granted to the 5th accused in S.C.No.1250/2022 deserves to be cancelled.

6. On the other hand, the learned counsel for the 5th accused submitted that, in connection with Crime No. 321/2025 of *Kolathur* Police Station, the 8th accused had filed CrI.M.C. No. 506/2025 before the Sessions Judge, *Manjeri*, and the court granted bail, observing that the main culprits are accused Nos. 1 to 7. It was further argued that the bail once granted cannot be cancelled mechanically merely because the accused is subsequently involved in another offence. Relying on the decision of the Hon'ble High Court of Kerala in ***Abdul Latheef v. State of Kerala (2023 KHC Online 112)***, the learned counsel contended that cogent and overwhelming circumstances must be shown for cancellation of bail once it has been granted.

7. In the present case, the Public Prosecutor has sought cancellation of bail solely on the ground that the *Kolathur* Police registered another case against the 5th accused. The issue to be determined is whether mere registration of a subsequent case is sufficient to justify cancellation of bail.

8. In *Abdul Latheef* (supra), the Hon'ble High Court of Kerala held that involvement in a subsequent offence by itself is not a sufficient ground for cancellation of bail unless it is demonstrated that such involvement affects the fair trial of the earlier case. The Court must consider whether any supervening circumstances have arisen, or whether the conduct of the accused indicates that allowing him to remain on bail would not be conducive to a fair trial.

9. It is true that the 5th accused has been arrayed as the 10th accused in a subsequent crime. However, while granting bail to the 8th accused in the said case, the Sessions Court observed that the principal offenders are accused Nos. 1 to 7. It thus appears that the respondent/5th accused had no significant role in Crime No. 321/2025 of *Kolathur* Police Station. Moreover, the records indicate that the victim and the 10th accused have amicably settled the dispute and have approached the Hon'ble High Court seeking quashment of the proceedings.

10. The victim and witnesses in Crime No. 321/2025 are not witnesses in S.C. No. 1250/2022. Therefore, registration of the subsequent case will not affect the trial of the present Sessions Case. The proceedings pending before the Hon'ble High Court in CrI.M.C. No. 8699/2025 also show that the parties have settled the dispute. In these circumstances, the mere registration of Crime No. 321/2025 cannot be treated as a sufficient ground for cancellation of the bail granted to the 5th accused. Hence, this petition is dismissed.

(Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court, this the 14th day of October, 2025).

(Sd/-)
Addl. Sessions Judge-III.

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Fair/Copy of Order in C.M.P. No.1398/2025
in S.C. No. 1250/2022 Dated: 14-10-2025
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