

IN THE COURT OF SESSIONS, PALAKKAD DIVISION
Present : Shri. D.Sudheer David, Additional Sessions Judge-II

Saturday, the 7th day of March, 2026
23rd day of Phalguna, 1947 S.E

CRIMINAL MISCELLANEOUS PETITION No.02/2026
IN SESSIONS CASE No.12/2025
In Crime No.705/2024 of Mannarkkad Police Station

Petitioner/Accused No.4:

Fathima, aged 34/2025, W/o Najrullah Khan, Udayanagara, Gulvady Post,
Kamanthapura, Uduppi, Karnataka.

Vs.

Respondents/Complainants:

State of Kerala, Rep. by the Deputy Police Superintendent, Mannarkkad Sub
Division.

This petition is filed by the petitioner/accused no.4 in Crime No.705/2024 of Mannarkkad Police Station praying that in the circumstances stated therein, this court may be pleased to relax and modify the condition.

This application coming on for hearing today in the presence of Advocate Smt.K.A. Haseena, for the petitioner/accused no.4 and the Public Prosecutor on behalf of the state and this court passed the following:-

ORDER

This is an application under section 483(1)(b) of BNSS, for relaxing a bail condition that directed her not to leave the jurisdiction of the State of Kerala without permission of the trial court.

2. Accused is facing indictment of the offence punishable under sections 20(b)(ii) C and 29 of NDPS Act.

3. The case of the prosecution is that, petitioner, who is the fourth accused, along with the first and the fifth accused brought 40.918 kilograms of ganja bought from the sixth accused from Bangalore in furtherance of the conspiracy they hatched with second and third accused, who financed for the

purchase of it with the assurance of the former to sell it of, and the store in the rented residence of the sister of the first accused.

4. Petitioner was granted bail by the Honourable High Court in B.A No. 14297 of 2025, in which the sixth condition imposes the above stated restriction that she shall not move out of the state of Kerala without the permission of this court. According to the petitioner, she is in native of Uduppi, where his family resides, that consist of her two minor children. She had been in jail for six months. She should not go to her native place and stay with her family, taking care of their children because of that condition. Also, that she could not attend the Sessions court at Uduppi, where also the case is pending trial against her.

5. The Deputy Superintendent of Police filed report opposing the bail application, asserting that the petitioner has possessed the contraband, along with the other accused and that she was accused of another NDPS case registered at Kundapura rural police station and was undergoing judicial custody in at Mangalapuram Jail. Since she is getting frequently involved in NDPS cases, it would not be congenial to enlarge her on bail, especially when she is a native of the State of Karnataka, that would make it impossible to trace her out if she absconds, misusing the bail granted to her.

6. For the purpose of this petition the following points are raised for consideration.

1. Whether the petition is allowable?

2. Order?

7. **Point No.1:-** Petitioner is seeking to relax the bail condition that she shall not leave the jurisdiction of the State of Kerala without permission. The reason stated is her inability to join her family at her native place at Uduppi, where her two minor children are residing. Of course, it is a valid reason, as it would be unreasonable to keep her stay away from her family and children for long, because she got involved in this case. But still, there is a problem that, she got involved in another similar case at her native place, where also she is facing trial. It shows her habitual nature in committing offences under NDPS Act. So, when favouring with her in the matter of giving opportunity to stay with her family and two children, it requires strong check that she will not misuse that favour and commit similar offences again, and that she would not abscond to thwart the trial of this case. So I am of the considered view that, the condition to prevent her, leaving the jurisdiction of the State of Kerala can be relaxed only by adding a new condition that she shall report to her home police station at Uduppi, and further to report to the SHO Mannarkad in specific intervals, so that she can be properly checked by the police and keep her aloof from repeating similar offences. Petition has furnished the name of her home police station, which is Kandlur Police Station Kundapura Taluk, Karnataka. With this discussion, I am of the considered to allow this petition, by adding the new conditions here in after mentioned. Point is answered in favour of the petitioner.

8. **Point No. 2:-** In the result, the petition is allowed on the following conditions

- 1) The third and sixth conditions in the bail order BA 14297 of 2025 is modified.
- 2) Petitioner shall report before the SHO Kandlur Police Station Kundapura Taluk, Karnataka on first and last Saturdays of a month at 10 AM.
- 3) She shall report to the SHO Mannarkkad once in two months, that is the alternate second Saturdays at 12 PM.
- 4) SHO Kandlur Police Station Kundapura Taluk, Karnataka shall report to this court her first appearance through email, adc2pkd@gmail.com and thereafter report, if she failed to appear before him.
- 5) Send this order to SHO Kandlur Police Station, through email for compliance report.
- 6) SHO Mannarkkad shall report to this court her first appearance and thereafter report, if she failed to appear before him.
- 7) Send this order to SHO Mannarkkad for compliance report.

Dictated to Google dogs voice typing app, typed by it, corrected by me and pronounced in open court on this the 7th day of March 2026.

Sd/-
Additional Sessions Judge-II

**Fair/Copy of Order in
Crl.MP No. 02/2026 in
SC No. 12/2025
Dated: 07.03.2026.**