

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

Saturday, the 6th day of December, 2025
15th day of Agrahayana, 1947 S.E

CRIMINAL MISCELLANEOUS PETITION No.1414/2025
In Sessions case No. 633/2023
in Crime No.20/2023 of Nattukal Police Station, Palakkad

Petitioner/Complainant:

State of Kerala, Rep. by the Sub Inspector of Police, Nattukal Police Station, Palakkad

Vs.

Respondent/Accused No.2:

Muhammed Ajnas.K.P., S/o Musthafa.K.P., Kalamparambil Veedu, Palode Road, Nattukkal.

This petition coming on for hearing today in the presence of the Special Public Prosecutor on behalf of the state and Shri. P.Gopinath Advocate for the Accused No.2, and and this court passed the following:-

ORDER

This petition is filed to cancel the bail granted to the respondent in the common order passed in CrI. MC 1399/2023 and CrI. MP 3127/2023 on the ground that he violated the condition that he shall not involve or indulge in any other offence while on bail, by getting involved in another crime of similar nature.

2. Respondent is the second accused in this case, which is registered for the offence under section 22(c) r/w 8(c) 29 of NDPS Act. The allegation is that, he along with three others possessed a total quantity of 21.08 grams of MDMA, with each of them holding separate quantities, in which he held 8.850 grams in a car bearing number KL 09 AN 0006 on the midnight of 17.1.2023 at 00. 30 hours. It is alleged that, they possessed the contraband as a result of the conspiracy all of them engaged in.

3. Respondent was arrested on the date of detection of the crime itself, namely 17.1.2023, and he was enlarged on bail on 5.8.2023 as per the above stated orders, in which he was imposed with the duty to abstain from involving or indulging in any other crime, while on bail. It is that condition he is stated to have violated by getting involved in a similar crime, making the consequence of cancellation of bail stated in that bail order to take effect. It is because of that, this petition is filed to cancel his bail, as per the direction in that bail order.

4. Notice was issued to the respondent and he appeared through his counsel and contested the matter.

5. The learned Special Public Prosecutor produced the records of the subsequent crime in which the respondent is stated to have involved with, in violation of the bail condition in this case.

6. Thereafter, enquiry was made with respect to the allegation of violation of the bail condition imputed against the respondent, in which the copies of the First Information Report in the second crime, and the Final Report submitted in that crime are marked as Exts. P1 and P2.

7. Both sides were heard, in which the learned Special Public Prosecutor would argue for the cancellation of the bail granted to the respondent as according to him Exts. P1 and P2 would categorically prove that he got involved in a subsequent crime while he is on bail in this case, which is for the same kind of offence of possessing MDMA. According to him, it is a clear violation of the bail condition in this case.

8. It is defended by the learned counsel for the accused, stating that the subsequent crime is falsely registered against him, without he getting involved in it. He never possessed MDMA as alleged in the second crime and it is a false implication.

9. From the rival conditions, the following points are raised for consideration:-

- 1) Whether the bail granted to the accused in this case is liable to be cancelled?
- 2) Order?

10. **Point No. 1:-** Prosecution sought for cancellation of the bail granted to the respondent who is the second accused in this case on the ground that he violated the bail condition by getting involved in a second crime, which he was ordered to abstain from involving in that bail order the second crime is stated the very same offence of his possessing MDMA.

11. It is true that, the respondent was released on bail in this case on a condition among others that, he shall not involve or indulge in any other offence while on bail and any such event if reported or came to the notice of this court, the same will cause cancellation of the bail granted. It is passed in the common order in CrI. MPs 1399/2023 and 3127/2023 on 5.8.2023.

12. Needless to say, this condition placed the respondent at the risk of any subsequent offences, that would invite cancellation of the bail granted to him in this case. But he took the risk, by indulging in offences while on bail, in this case. Exhibits P1 and P2 are the records of the second offence, the first one is the first

information report in the second offence and the second one is the final report filed in that offence. On a perusal of Ext. P1 first information report, it is seen to be registered against the respondent at the very same police station in which this case is registered. The date of its registration is 25.9.2024, which is the date subsequent to the date of grant of bail to the respondent in this case. The offence alleged in that cases under section 22 (b) and 29 of NDPS Act. The allegation is that the respondent, in furtherance of the conspiracy hatched with two others, possessed 5.850 grams of MDMA jointly with them, for the purpose of sale, on the night of 24.9.2024 at 8:10 PM in a car bearing number KL50F 1564. Ext. P2 is the final report filed in that crime, in which the very same offences are all against the respondent, putting forth the very same case stated in the first information report.

13. Respondent has no explanation to state about this records that shows the subsequent crime in which he got involved while he was on bail in this case, except putting forth the contention that it is a false case. It is a matter to be revealed in the trial only, but prima fice it stands proof for the fact that he got involved in the second crime, which was specifically prohibited from as per the condition imposed in this case. It is clearly a violation of the bail condition imposed in this case, which has to invite the consequence stated in that bail order, which is nothing but the cancellation of the bail.

14. Respondent has nothing to state on this aspect. Honourable Supreme Court in **Abdul Basit v. Abdul Kadir Choudhary (2014, KHC 4678)** ruled on the principles of cancellation of bail granted to an accused. It enumerated vii situations in which cancellation of bail can be granted, which are (i) miss use of liberty by

engaging in similar criminal activity (ii) interference with the course of investigation (iii) tampering of evidence or witnesses (iv) threatening of witnesses or engaging in similar activities, which would hinder the investigation (v) possibility of fleeing to another country (vi) attempts to become scarce by becoming unavailable for investigation or going underground (vii) being out of the reach of their surety.

15. The very same principles are reiterated in a subsequent three judge bench decision of the Honourable Apex court in **P. v. State of Madhya Pradesh and another (2022 KHC 6496)**. Honourable High Court of Kerala in **Navas v. State of Kerala (2023 (4) KHC 206)** has ruled on the parameters for cancellation of bail. It reads that, *“cogent, and overwhelming circumstances are necessary for an order directing the cancellation of the bail already granted. However, bail granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial”*.

16. Needless to say, the facts put forth by the prosecution in this petition place the respondent in the mischief of the above stated laws, as he misused the liberty granted to him in this case by enlarging him on bail by getting involved in a second crime for the very same offence of possessing MDMA. It is necessarily is a cogent and overwhelming reason to revisit the liberty granted to him in this case, as it exposes his habitual nature to indulge in committing the very same offence. It set forth the very same modes operandi by possessing MDMA in car, in the company

of his companion and consuming it, which is the mode of the commission of offence in this case also. Needless to say, it is a very serious offence, that could directly affect the society at large, as it could allure its members, particularly the vulnerable sections of youngsters and students, who would fall prey in the vicious web drug abuse. It is quite a dangerous mindset of the respondent that he committed the very same offence, unfazed of its consequence, totally neglecting the bail that was granted to him in in this case with the condition to obtain from indulging in any other offence while on bail. It requires to be dealt with seriously in order to prevent bringing harm to the society at large. So also, it would be a mockery to allow him continue on bail, in spite of his violating the condition imposed in it, making me to record a positive finding that he cannot be allowed to enjoy the liberty he was granted by the bail order passed in this case.

17. This discussion of the matter makes me to find that, there is no chance other than cancel the bail of the accused granted in this case, in compliance of the direction of the bail order passed in this case in CrI. MPs 3099/2023 and 3127/2023 dated 5.8.2023. Accordingly, the bail granted to the respondent in this case is cancelled. Respondent is directed to surrender before court on or before 10.12.2025.

Dictated by voice typing to Google docs app, typed by it and corrected by me and pronounced in open court on this the 6th day of December 2025.

Sd/-

Additional Sessions Judge-II.

**Fair/Copy of Order in
Crl.MP. No. 1414/2025 in
SC No. 633/2025
Dated: 06.12.2025**