

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, CHAVAKKAD
Present: Smt. Saarika Sathyan V., Judicial First Class Magistrate

Dated, this the 9th day of March, 2026.

Crl. M.P. 1/2026 in Crime 912/2025 of Guruvayoor Temple P.S.

Petitioner/
Complainant. : State-Rep. By the Sub Inspector of Police,
Guruvayur Temple Police station in Cr. No.
912/2025 of that police station.

(By the A.P.P.-Chavakkad)

Respondent/
Accused No.1 : Fasil, 23/25, S/o. Rafeeq, Erachamveetil House,
Palayoor, Manathala Village.

(By Adv. K.D. Vinoj)

Offence : 189(2), 191(2), 126(2), 115(2), 118(1), 110,
351(2), 190 of BNS, 2023.

Order : Dismissed.

ORDER

1. This is a petition filed for cancellation of bail granted to the accused.
2. The prosecution case in brief is that, on 01/12/2025 at 11.30 p.m., at Mallisseriparambu, the accused nos. 1 to 5, in furtherance of their common object, formed themselves into an unlawful assembly, due to previous enmity, wrongfully restrained the defacto complainant and his friend Abhinav, who were coming after Guruvayur Ekadasi, accused no.1 uttered obscene words and pulled his shirt. When the defacto complainant tried to run from the place, accused no.1 beat on his head with an iron pipe. When the defacto complainant evaded the same, it hit on the left side of his head and he sustained grievous injury. When Abhinav, the friend of defacto complainant tried to save the defacto complainant, accused no.2 kicked him and beat him with stick and accused nos. 3 to 5 caused hurt to them by beating and kicking them. If the defacto complainant had not evaded the attack of the accused no.1, it would have resulted in his death. Accused are thereby alleged to have committed offences punishable under sections 189(2), 191(2), 126(2), 115(2), 118(1), 110, 351(2), 190 of BNS, 2023.
3. The prosecution has filed this application for cancellation of bail of accused stating that on 10/01/2026, he had violated the 2nd bail condition that he “shall appear before the

investigating officer/ SHO on every Saturdays between 10.00 a.m. till 05.00 p.m. until charge sheet is filed.” Hence, this petition for cancellation of bail.

4. The counsel for the respondent filed objection contenting that, on 10/01/2026 the accused was suffering from severe fever and vomiting. Hence, he did not appear before the Investigating Officer and sign in the register. He informed the matter through other accused to the Investigating Officer. But, thereafter, when he appear next Saturday to sign the register, the police did not allow him to sign. He is ready to comply with all the conditions without fail. Hence, prays for dismissal of the petition.

5. Heard the learned APP and the learned counsel for the accused. Perused the records. The sole point that arises for consideration in this petition is whether the bail granted to the accused is liable to be cancelled or not.

6. According to the Hon’ble Kerala High Court’s ruling in Godson v. State of Kerala, a simple breach or non-compliance with a bail term by an accused person will not be a reason to cancel bail.

7. The Hon’ble High Court held that, the court must determine whether the alleged violation amounts to an attempt to obstruct the administration of justice or whether it affects the outcome of the case when deciding whether to grant a plea to cancel bail due to non-compliance with bail conditions.

8. The Hon’ble Supreme Court held in Dataram Singh v. State of Uttar Pradesh that bail, once granted, cannot be cancelled without first considering whether any supervening circumstances have rendered the accused to continue to be free on bail while the case is being heard.

9. Very cogent and overwhelming circumstances are necessary for cancellation of bail already granted. The general grounds for cancellation broadly include interference with the due course of administration of justice, evasion of the due course of justice, or abuse of concession granted to the accused.

10. On analysing the reason stated by the accused in the counter in the light of the principles stated above, it is found that, no intentional negligence has occurred from the side of the respondent. On perusal of the report, it is satisfied that there is no circumstance which warrants the cancellation of bail granted to the accused herein. Hence, this petition is dismissed.

Pronounced in open court this the 9th day of March, 2026.

Sd/-

Judicial First Class Magistrate, Chavakkad.

/True Copy /

Judicial First Class Magistrate, Chavakkad.