

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-II,
NEYYATTINKARA.**

**Present: Smt. Nimmi Nair. M,
Judicial First Class Magistrate-II**

Friday, 19th day of September, 2025/ 28th Bhadra, 1947

Crl.M.P No.4091/2025

IN

Crime No.885/2025 of Poovar Police Station

Petitioner/accused : Prabhash, aged 46 yrs, S/o Mani, Nisha Bhavan,
Panamvila, Poovar. P.O, PIN- 695525.
(By. Sri. Vinu Vinayakan, Advocate)

Counter Petitioner/
Respondent : The State of Kerala represented by the Sub Inspector of
Police, Poovar in Poovar Police Station in Crime
No.885/2025.
(By. Sri. Saji. A.V, Assistant Public Prosecutor,
Neyyattinkara)

Offences : Under sections 296(b), 118(1) and 351(2) of the
Bharatiya Nyaya Sanhita, 2023.

Sentence or Order : Bail application is allowed.

This Crl.M.P having been heard on this day, and the Court on the same day,
passed the following:-

ORDER

The bail application is filed under section 480 of the Bharatiya Nagarik
Suraksha Sanhita, 2023 by the petitioner/accused in Crime No.885/2025 of the
Poovar Police Station, alleging offences Under sections 296(b), 118(1) and 351(2)
of the Bharatiya Nyaya Sanhita, 2023.

2. **The prosecution case in brief is as follows:-** On 05.09.2025 at about 4.00
p.m, the informant, her father and her minor son aged 5 years namely, Anirudh
Jyothish, were standing in the courtyard of the residence of the informant in front

of Shoolamkudi Pranam House in Poovar Village. At that time, the accused stood near the wall of the adjoining house and, without any provocation, uttered abusive words against the informant and criminally intimidated her. Subsequently, the accused picked up a brick stone and threw it towards her. The stone hit her minor son, Anirudh Jyothish, on the forehead, causing him grievous injury. He sustained a deep wound requiring medical treatment and five stitches were administered. Thus, the accused is alleged to have committed the offences punishable under sections 296(b), 118(1) and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The petitioner/accused was arrested and produced before this court on 13.09.2025 and he has been remanded to judicial custody since then.

4. The copy of bail application was served to the Assistant Public Prosecutor.

5. The learned counsel for the petitioner/accused stated that the accused is innocent and he was falsely implicated by the Poovar Police. The learned counsel for the petitioner further submitted that he was in judicial custody from 13.09.2025 onwards and the investigation in this case is almost over. It is further submitted that this is a false allegation against the petitioner and the petitioner is ready to abide any condition imposed by this court if bail is granted to him.

7. The learned Assistant Public Prosecutor opposed the bail application stating that the offences committed by the petitioner is very grave. He also

submitted that the investigation is in initial stage. The petitioner committed a serious offence and that granting bail would adversely affect the investigation. There is a significant chance of the petitioner influencing the witnesses, tampering the evidence, repeating similar offences and getting absconded. If the bail is granted to the petitioner, there is possibility of attack the informant and other witnesses. Therefore, the learned Assistant Public Prosecutor submitted that the bail may be dismissed.

8. Heard the learned counsel for the petitioner and learned Assistant Public Prosecutor.

9. I have considered the submission advanced by the learned counsel for the petitioner and learned Assistant Public Prosecutor and perused the prosecution records.

10. The learned counsel for the petitioner argued that the above offences are not attracted in this case. The learned counsel for the petitioner argued that the petitioner was in judicial custody for the last 7 days. It is further argued that the informant is the maternal uncle of the petitioner and they were inimical terms with the petitioner regarding the mondy lending matters of the mother of the petitioner. It is further argued that he has no criminal antecedents and he was the breadwinner of the family and he was working as carpentry works for hardly maintaining his small family. The learned Assistant Public Prosecutor argued that the allegations against the petitioner is serious and grave.

11. I have considered all the prosecution records. The prosecution records would show the petitioner involvement in this case. The petitioner was remanded to judicial custody since 08.09.2025. Allegedly, the petitioner had used filthy language against the informant and her child and thereafter criminally intimidated her and assaulted the informant by threw a dangerous weapon of brick stone and the son of the informant sustained greivous injury on his forehead and causing five stiches. The only non-bailable offence alleged to have committed by the petitioner is under section 118(1) of B.N.S. From the report filed by the Investigating Officer, it is seen that the brick used in the commission of the offence has already been recovered, the scene mahazar has been prepared, the statements of witnesses recorded, and K.P.F 151 A was send to the court. Thus, a major portion of the investigation appears to be completed. It is noted that the petitioner is in judicial custody for a period of 7 days. It is further noted that no custody application is seen pending before this court. I have personally enquired, whether the prosecution is intending to file custody application. Furthermore, Prosecution has also not sought for the custody of the accused in this case. It is found that further detention of the petitioner is not necessary for the purpose of investigation. Moreover, no criminal antecedents of the petitioner have been brought to the notice of this Court. Considering the period of detention under gone by the accused and age of the accused and no criminal antecedents and progress made in the investigation, bail is granted to the accused. But

some stringent conditions are highly essential to prevent the commission of further offences and safety of people in the society.

12. Moreover, it is a well accepted principle that, the 'bail is the rule and the jail is the exception'. The Honourable Supreme Court in **Chidambaram P. v. Directorate of Enforcement (2019 (16) SCALE 870)**, after considering all the earlier judgments, observed that, the basic jurisprudence relating to bail remains the same inasmuch as the grant of bail is the rule and refusal is the exception so as to ensure that, the accused has the opportunity of securing fair trial. Considering the dictum laid down in the above decision and considering the facts and circumstances of this case, I am inclined to grant bail to the accused person/Petitioner on following stringent conditions:-

- 1) The petitioner shall execute a bond for an amount of ₹50,000/-
(Rupees fifty Thousand only) with two solvent sureties for the like sum.
- 2) The petitioner shall appear before the Investigating Officer on every Thursday in between 10.00 a.m and 11.30 a.m for a period a period of three months, or until the filing of the final report, whichever is earlier.
- 3) The petitioner shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
- 4) The petitioner shall not commit any offence similar to the offence of which he is accused, or any other offence, while on bail.

- 5) The petitioner shall co-operate with the Investigating Officer as and when called for.
- 6) The petitioner shall not leave India without the permission of this court.
- 7) The petitioner shall not destroy or tamper with evidence.
- 8) The petitioner shall not enter the Poovar Police Station limit, where the informant is residing/working, for a period of two months, except for the purpose of complying with condition No.2.

In case of any breach of bail condition, the prosecution shall be at liberty to apply for cancellation of bail before this court.

(Dictated by me, transcribed and typed by Confidential Assistant and corrected by me and pronounced in the open court, on this the 19th day of September, 2025)

**Judicial First Class Magistrate – II,
Neyyattinkara.**