

IN THE COURT OF THE SESSIONS JUDGE, ALAPPUZHA
Present:- Smt.Honey M.Varghese, Sessions Judge
Wednesday the 3rd day of June, 2026

B.A.No.629/2026

(Crime No.444/2026 of Alappuzha North Police Station)

Between:-

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| <ol style="list-style-type: none"> 1. Sibin T S @ Sarun, Aged 29 years,
S/o.Sandhyav, Thekkepalackal,
Thumpoli P O, Alappuzha – 688008. 2. Arun A R, Aged 30 years,
S/o.Raynold, Arattukulangara,
Thumpoli P O, Alappuzha – 688008. 3. Paul Monichan A C @ Anu,
Aged 36 years, S/o.Cleettas,
Arattukulangara, Thumpoli P O,
Alappuzha – 688008. 4. Stephin T S @ Unni, Aged 28 years,
S/o.Sandhyav, Thekkepalackal,
Thumpoli P O, Alappuzha – 688008. | } | Petitioners/
Accused |
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AND

State of Kerala represented by the Home Secretary through the Station House Officer, Alappuzha North Police Station through the Public Prosecutor, Alappuzha	}	Respondent
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Petition filed u/s. 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 to release the petitioners on bail in the event of arrest.

Petition was presented on : 21.05.2026

This petition coming on 02.06.2026 for hearing before me in the presence of Adv.Syed Muhammed Salih.A.N; Counsel for the petitioners; Public Prosecutor for the Respondent; the Court on 03.06.2026 passed the following:-

ORDER

This petition is filed u/s 482 of Bharatiya Nagarik Suraksha Sanhita for pre-arrest bail by A1 to A4 in crime No.444/2026 of Alappuzha North Police Station registered for the offence punishable under Sections 296(b), 115(2), 118(1) and 3(5) of Bharatiya Nyaya Sanhita, 2023.

2. Prosecution allegation, in brief, is that the accused persons assaulted the brother of the defacto complainant and the defacto complainant resisted their attempt. Due to this enmity, the accused persons in furtherance of their common intention to assault the defacto complainant, his brother and aunt on 18.05.2026 at about 5 p.m., A1 inflicted injuries to the defacto complainant using a sword. Accused Nos.2 to 4 also abused him verbally and manhandled by beating on his head and back. The aunt of the defacto complainant intercepted and at that time, A2 pushed her down and thus the accused persons committed the offences alleged against them.

3. The learned counsel for the petitioners submitted that they are totally innocent of the allegations levelled against them. According to him, on 18.05.2026, the accused persons were playing cricket at a ground and at that time, one Mr. Abhijith and Mr.Nandu were creating troubles under the influence of alcohol. Their parents intervened and sought the help of petitioners to settle the issues. The issues were settled but one Mr. Vishnu, who is a trouble maker, came there and abused the petitioners herein. He also questioned the intervention of the petitioners in the settlement of earlier issues. Though the petitioners tried to avoid the situation, Vishnu continued to behave aggressively. The local people interfered and the issues were once again settled and the petitioners left the scene. Thereafter, Mr. Vishnu along with his cousins and the defacto complainant came to the cricket ground with deadly weapons and assaulted the petitioners. Petitioners never attacked anybody. The defacto complainant on the next day, under the instigation of the police lodged a police complaint against the petitioners by suppressing actual facts so as to implicate the petitioners in a non bailable case. They are ready to abide by any conditions and prayed to allow the bail application.

4. The learned Public Prosecutor objected the bail application. It is submitted that criminal antecedents are pending against A1 and A2. It is further submitted that the investigation is in the preliminary stage and the recovery of the weapon has to be effected. On the basis of the above submissions, learned Public Prosecutor prayed to dismiss the bail application.

5. Heard both sides and perused the records.

6. It is alleged that the petitioners herein with an intention to assault the defacto complainant and his brother on 18.05.2026 at about 5 p.m, inflicted injuries to the defacto complainant using sword. They also assaulted the brother of the defacto complainant and his aunt. The learned counsel for the petitioners on the other hand submitted that the petitioners herein while playing cricket, some youngsters engaged in some altercations. The petitioners settled the issues as requested by the parents of those youngsters. While so, one Mr. Vishnu interfered and abused the petitioners. They left the scene. But the said Vishnu along with the defacto complainant and his cousins reached there and assaulted them. The learned Public Prosecutor submitted that the investigation is in the preliminary stage and the recovery is not effected. Though, the learned counsel for the petitioners contended that they were actually assaulted by the defacto complainant and his friend Vishnu, no material is produced before this court to substantiate this contention. Similarly, no case is also registered in this regard. In this case, it is alleged that A1 inflicted injuries to the injured person using sword. The report of the Investigating Officer would show that criminal antecedents are pending against A1 and A2. Those cases were of the year 2018 and 2020. The one and only non bailable offence alleged is the offence under section 118 (1). The record would further show that the recovery is not effected. But considering the nature of allegations, I am of the view that custodial interrogation of the petitioners is not required. The submission made by learned Public Prosecutor regarding the recovery can be addressed by imposing appropriate conditions.

In the result, the petition is allowed on the following conditions:-

- (i) The petitioners are directed to surrender before the Investigating Officer at 9:00 am on any day on or before 10.06.2026;
- (ii) The Investigating Officer on such surrender will be free to arrest the petitioners and proceed with custodial interrogation and the other formalities of collection of evidence till 6:00 pm of the same day of their surrender;

- (iii) After the completion of the above procedures of the investigation, the petitioners shall be released on bail on execution of a bail bond for ₹1,00,000/- (Rupees One Lakh Only) each with two solvent sureties each for the like amount on the date of their surrender;
- (iv) The petitioners shall appear before the Investigating Officer as and when required by him and remain there till such time as required by the Investigating Officer for the completion of any procedural formalities related to the investigation. It is made clear that the Investigating Officer can proceed with the collection of evidence in those days as well by taking the petitioners alongwith him. It is also made clear that they shall not be detained unnecessarily;
- (v) They shall not intimidate or influence the witnesses or interfere with the investigation;
- (vi) They shall not involve in the commission of any criminal case;

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open court on this the 3rd day of June, 2026.

Sd/-

Honey M. Varghese
Sessions Judge