

IN THE COURT OF THE SESSIONS JUDGE THODUPUZHA

Present:

Smt. ASH K. BAL, I ADDL. SESSIONS JUDGE
(SESSIONS JUDGE- In Charge)

Wednesday the 11th day of March, 2026/20th day of Phalguna, 1947.

BAIL APPLICATION No. 173/2026

(Crime No. 129/2026 of Rajakkadu Police Station)

Petitioners:

1. Bindu K.N., aged 51 years, w/o. Mohanan,
Kannamkunnel House, Khajanappara P.O.,
Kumbappara, Rajakumari, Idukki – 685 619.
2. Sruthy Sabu, aged 31 years, D/o. Sabu,
Manapadammuriyil House, Khajanappara P.O.,
Rajakumari, Idukki – 685 619.
3. Sudha Sabu, aged 57 years, w/o. Sabu,
Manapadammuriyil House, Khajanappara P.O.,
Rajakumari, Idukki – 685 619.
4. Ponnamma, aged 64 years, w/o. Ravi,
Moonnupeedikayil House, Pallikkunnu,
Thottikanam, Santhanpara, Idukki – 685 619.

By Adv. Sri. P. S. Biju.

Respondent:

State of Kerala, represented by the
Sub Inspector of Police, Rajakkadu Police Station.

By Adv. Sri. Saneesh S.S.
Public Prosecutor, Thodupuzha.

This petition came for hearing before me on 10.03.2026 in the presence of the above counsel for both sides and the Court on 11.03.2026 day passed the following:

ORDER

This is an application for anticipatory bail filed by accused Nos. 1 to 4 in Crime No.129/2026 of Rajakkadu Police Station, registered for the offence punishable under section 324(4), 324(5), 294(b), 115(2), 118(1), 118(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution case, in brief, is that due to resentment over the defacto complainant in not opening the gate installed by Shaji, Kochukkarottu House, a native of Kumbappara, situated near the pathway used by the accused to reach their residence, the accused, with the intention of abusing, and physically assaulting the defacto complainant and others, on 26.02.2026 at about 07:30 p.m., reached Khajanappara area in Rajakumary Village where the defacto complainant resides with his family, and the 1st accused allegedly broke open the iron gate installed by Shaji, Kochukkarottu House at Kumbapparamedu using a hammer; when the defacto complainant questioned the said act, the 1st accused allegedly abused him in filthy language and struck the defacto complainant's wife Alice on her left shoulder with a wooden plank causing her to fall down, and when the defacto complainant attempted to help his wife get up, the 2nd accused allegedly hit the defacto complainant on his right elbow with an iron rod, and resulting in a fracture to his right elbow; it is further alleged that

when Shaji and his children reached the spot upon learning that the gate had been broken, accused Nos.1, 3 and 4 jointly assaulted them with sticks, thereby causing multiple bodily injuries and thereby committed the aforesaid offences.

3. Case of the petitioners is that, the 3rd and 4th petitioners are sisters, the 2nd petitioner is the daughter of the 3rd petitioner and the 1st petitioner is their neighbor. It is further contended that the 3rd petitioner had instituted O.S.No.13/2026 before the Munsiff's Court, Devikulam against the defacto complainant and others seeking a permanent prohibitory injunction restraining them from trespassing into the petitioners' property and from widening the road passing through the said property, and that an interim injunction was granted. According to the petitioners, on the alleged date of incident, the defacto complainant and others attempted to install a gate through the property of the petitioners, which led to an altercation between the parties, and at that time the defacto complainant and three others abused and assaulted the petitioners, causing them injuries, in connection with which a case was registered as Crime No.128/2026 of Rajakkadu Police Station against the defacto complainant and others. It is further contended that the present complaint has been lodged by the defacto complainant as a counter blast to the said crime. Petitioners apprehend arrest.

In the event of arrest, they prayed to be released on bail. They are ready to abide by any bail condition.

4. Learned Public Prosecutor opposed the bail application. Both sides were heard and perused the report.

5. Adv.P.S. Biju, the learned counsel for the petitioners, submitted that the petitioners are totally innocent and have not committed the offences as alleged. It is further submitted that they have not been involved in the alleged offence and have been falsely implicated in the case. It is also submitted that the petitioners are ready to cooperate with the investigation and to abide by any bail condition that may be imposed by this Court. According to the learned counsel, no custodial interrogation of the petitioners is required in the matter. Hence, it is prayed that the petitioners may be granted pre-arrest bail.

6. The learned Public Prosecutor vehemently objected the application. It is contended that in view of serious nature of offence and the severity of the punishment of the offence, the releasing of the petitioners on bail, at this stage, may seriously affect the investigation. The available records clearly reveal the involvement of the petitioners in the commission of the crime alleged. The possibility of petitioners influencing or intimidating the witnesses was also highlighted by the

learned prosecutor. The learned Public prosecutor prayed for dismissal of application.

7. I have considered the contentions raised. It is an application for pre-arrest bail. The Hon'ble Supreme Court in **Jai Prakash Singh v. State of Bihar and another, [(2012) 4 SCC 379]** has held that, an order of a pre-arrest bail is an extraordinary privilege, which should be granted only in exceptional cases. The judicial discretion conferred upon the court must be properly exercised after proper application of mind to decide whether it is a fit case for grant of anticipatory bail. The Court has to be prima facie satisfied that the accusations levelled against the applicant is only to enrope him in the crime and would misuse his liberty. It is settled law that the court should not, at this stage, to evaluate each and every material for the purpose of determining whether the accused has committed the offence or not. However, to determine the question as to whether a prima facie case has been made out, the court can look at the materials available and allegations raised with reference to the offences alleged to have been committed.

8. After hearing the arguments of both sides and perusing the materials, I find merit in the contentions raised by the prosecution. The materials available do not promote the theory of false implication. It is true that grant of anticipatory bail is a discretionary relief. If the court

does not exercise the discretion properly, it would be an indiscretion. Pending Civil dispute between the parties is clear from the records. But it could be gathered that the disputes and confrontation exceeds the limits and the defacto complaints has sustained grievous injury in the incident. The enormity of allegation should also dissuade me from granting pre-arrest bail. The available records clearly reveal the involvement of the petitioners in the commission of the crime alleged. The investigation of the case is not completed. On considering the gravity of the offence alleged, the participation of the petitioner cannot be viewed in a casual manner. Otherwise, a wrong message will go to the society. In this case, the custodial interrogation appears to be essential for collecting material evidence at the instance of the petitioners. Considering all the circumstances, I am not inclined to grant bail to the petitioners at this stage. In the circumstances, the application is dismissed.

Nonetheless, I direct that, if the petitioners surrender before the Investigating Officer within 10 days from today, they shall be interrogated and, thereafter, be produced before the jurisdictional Court on the date of surrender itself. Then, if the petitioners move an application for bail, the jurisdictional Court shall, untrammelled by any observations in this order, consider the bail application on its merits and as expeditiously as

possible. If the petitioners do not surrender before the Investigating Officer as directed above, the Investigating Officer shall be free to arrest the petitioner as if no order has been passed in this case.

Dictated to the C.A., typewritten by him, corrected and pronounced by me in open court on this the 11th day of March, 2026.

Sd/-
ASH K. BAL
I ADDL.SESIONS JUDGE
SESSIONS JUDGE – In Charge

Copied by : Anjaly S. Nair

Compd. By :Manoj K.T.