

IN THE COURT OF THE SESSIONS JUDGE THODUPUZHA

Present:

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

Thursday the 12th day of March, 2026/21st day of Phalguna, 1947.

BAIL APPLICATION No. 178/2026

(Crime No. 248/2026 of Kattappana Police Station)

Petitioner: Dipin s/o. Paulose, aged 40 years,
Varickanickal House, 9th Acre Kara,
Upputhara Village, Peermade Taluk.

By Adv. Sri. Joby George.

Respondent: State of Kerala, represented by the
Sub Inspector of Police, Kattappana Police Station.

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

This petition came for hearing before me on 11.03.2026 in the presence of the above counsel for both sides and the Court on 12.03.2026 day passed the following:

ORDER

This is an application for anticipatory bail filed by the sole accused in Crime No. 248/2026 of Kattappana Police Station, registered for the offence punishable under sections 296(b), 115(2), 117(2) and 74 of the Bharatiya Nyaya Sanhita, 2023.

2. Case of the prosecution is that, due to animosity towards the defacto complainant and her family, the petitioner/accused, with the intention and knowledge to cause physical harm, to abuse and mentally harassing them, on 22.02.2026 at about 8.00 p.m., at the courtyard of

the Kalayathil Building situated at Parakkadavu area in Kattappana Village, where the defacto complainant and her family were residing on rent, when the defacto complainant questioned the accused regarding the destruction of the family-owned dish antenna, the accused abused the defaco complainant's father in filthy language and kicked him in the abdomen. When defacto complainant attempted to restrain the accused, the accused caught hold of her hand, twisted it, kicked her in the abdomen, caught hold of her breast and pushed her down to the ground. While the defacto complainant was lying on the ground, the accused stamped on her leg, causing a injury to her leg and thereby committed the aforesaid offences.

3. Case of the petitioner is that, he is innocent and has not committed any offence as alleged. Petitioner apprehends arrest. He is ready to abide by any bail conditions. Hence he prayed for release in the event of arrest.

4. Heard both sides. Perused the materials including the report obtained from the investigating officer.

5. Adv. Joby George, the learned counsel for the petitioner submitted that he is innocent and has not committed any offence as alleged by the prosecution. It is further submitted that this case is totally false and fabricated case as a counter blast to the case against the

defacto complainant's father and four his friends. On the same day at same time her father and 4 other persons after committed house trespass at night brutally attacked the petitioner. They also brutally attacked a 12 year old boy and her mother. They outraged the modesty of a woman. In the above said incident, a crime was registered against the defacto complainant's father and his friends as Crime No.234/2026 of Kattappana Police Station. The true fact of the case is that on 20.02.2026 the above said 12 year old boy while playing football in their courtyard, the ball hit on the defacto complainant's TV dish and lost its signal. On that day night the defacto complainant's father Deepu came in their house and used abusive and filthy words against boy and her mother. She informed the matter to her husband Dhaneesh, who is working in Bangalore. The said Dhaneesh told his friend, the petitioner Dipin, to go to his house and ask the matter to his wife and son. Accordingly, on 22.02.2026 the petitioner came in their rented house at Kattappana. While he enquiring the matter to the boy and mother, the defacto complainant's father Deepu trespassed into their house. He unnecessarily quarreled with the petitioner by asking the matter of TV dish. Then there occurred a wordy altercation between them and he left the place. After a few minutes, he along with other 4 persons criminally trespassed into the house and brutally attacked the petitioner, the boy

and his mother. They outraged the modesty of mother. The defacto complainant lady was not even present on the spot. It is also submitted that this case is falsely foisted against the petitioner. Hence prayed for pre-arrest bail to the petitioner.

6. The learned Public Prosecutor vehemently objected the application. It is contended that this is a serious nature of offence and on considering the severity of the punishment of the offence, the releasing of the petitioner on bail, at this stage, may seriously affect the disposal of this case. The available records clearly reveal the involvement of the petitioner in the commission of the crime alleged. Release of petitioner at this stage shall be prejudicial to the case. The possibility of petitioner influencing or intimidating the witnesses were 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 entrap 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 petition. It is clearly mentioned in the report filed by Investigating Officer that this is the counter case of Crime No.236/2026 of Kattappana Police Station alleging grievous offence against the petitioner herein and his friends. Place of incident is the courtyard of the petitioner's friends and in the counter case petitioner has sustained serious injury including fracture. On going through the records, I am of the view that this is a fit case in which extraordinary jurisdiction of the court is to be exercised and pre-arrest bail is to be granted on the following conditions.

In the result, the petition is allowed. Petitioner shall surrender before SHO, Kattappana within 7 days. After interrogation and arrest, if any, the petitioner shall be released on bail, on executing a bond for

₹50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like amount and subject to following conditions.

- 1) The petitioner shall co-operate with the investigation.
- 2) The petitioner shall not intimidate or influence the witnesses or in any way interfere with the investigation.
- 3) The petitioner shall not involve in any offence during the bail period.
- 4) The petitioner shall appear before the Station House Officer as and when directed by him in writing.

Dictated to the C.A., typewritten by her, corrected and pronounced by me in open court on this the 12th 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.