

IN THE COURT OF THE SESSIONS JUDGE, THRISSUR

Present:

Sri.P.P. Saidalavi., Sessions Judge

Tuesday, 29th day of July, 2025/ 7th Sravanam 1947 S.E

Crl.MC.No.1059/2025 and Crl.MC.No.1052/2025

(Crime No. 323/2025 of Thrissur Railway Police Station)

Crl.MC.No.1059/2025

Petitioner:-

Prabitra Tadingi, C/o Phulanti Tadingi,
Aged 30 years, Tadingi (H), Baisingi, Karubai P.O.,
Kalyana Singpur, Rayagada, Odisha-765 017.

By Adv. Rones V Anil

Respondent:-

State of Kerala., rep. by Station House Officer,
Railway Police Station, Thrissur.

By Public Prosecutor, Thrissur.

Crl.MC.No.1052/2025

Petitioner/Accused No.2:-

Paul, Aged 65 years, S/o Joseph, Padinjarekutt House,
Mundiyamparambu P.O., Edoor, Ayyankunnu Village,
Kannur District.

By Adv. N.K. Unnikrishnan

Respondent:-

State of Kerala., rep. by Sub Inspector of Police,
Railway Police Station, Thrissur.

By Public Prosecutor, Thrissur.

These petitions are coming on this day for hearing, the Court passed the following:-

COMMON ORDER

These petitions are filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita. The petitioner in Crl.M.C.1059/2025 is the 1st accused and petitioner in Crl.M.C.1052/2025 is the 2nd accused in Crime No.323/2025 of Railway Police Station, Thrissur. The offence alleged against the petitioners are punishable under Sections 143(1) (f) r/w 3(5) of the Bharatiya Nyaya Sanhita added to 143 (3) (4) (5) of BNS. The brief allegations against the petitioners is that, on 02.07.2025 at about 2.00 a.m., the 1st accused unlawfully brought two minor children from Odisha to the Thrissur Railway Station platform to employ them as domestic workers. While the 1st and 2nd accused were taking them to the workplace, they were spotted by the police officers and Child Help Desk staff on duty at the Thrissur Railway Station platform. Thereby the accused alleged to have committed the aforesaid offences.

2. In view of the factual scenario, a case is registered against the petitioners (A1 & A2) on 02.07.2025 by alleging the above offences. They are arrested on 02.07.2025 and produced on 03.07.2025 before the Magistrate having jurisdiction along with remand report. The Magistrate remanded them to judicial custody. Since then they are in judicial custody. The petitioner (A2) filed an

application for bail (Crl.M.P.2124/2025) was dismissed by the learned Magistrate on 09.07.2025.

3. The contentions in these petitions are almost similar. In the present petition it is contended that, the petitioners are absolutely innocent. Absolutely no ingredients to constitute the offences alleged against the petitioners. The petitioners are falsely implicated to this crime due to factual misconception. The petitioner (A2) is a retired Principal of Higher Secondary School having aged 65 years and suffering from various ailments. The investigation is almost completed. It is further argued that, further judicial custody of the petitioners are not at all necessary. Moreover the petitioners are ready and willing to obey any condition imposed by the court. Hence the petitioners prayed for bail on any condition deemed fit.

4. Notice given to the respondent. The respondent opposed the petition mainly on the ground that investigation is in progress. Many witnesses are yet to be questioned. Therefore if the petitioners are released on bail that will detrimentally affect the remaining portion of investigation because there are high possibilities to influence the witnesses and tamper with the evidence. Therefore the petition is opposed.

5. The learned Public Prosecutor produced the case diary. I have heard both sides and perused the records.

6. In the midst of his argument this court enquired about the present situation of the minors involved. The learned Public Prosecutor submitted that, as on today the minors involved in this crime are properly and safely accommodated in an organization under the control of the Government. So it is evident that, the minors are under the safe and proper custody of the State.

7. The prime argument advanced by the learned counsel for the petitioners is that, in fact absolutely there is no ingredients for the offence under Section 143 of BNS. The 1st accused being the relatives of the minors involved in this matter brought them in search of a job. But the learned Public Prosecutor would argue that, since minors are involved the given set of facts have got much gravity. Certainly I do agree with the learned Public Prosecutor in this regard.

8. Further the learned counsel for the petitioners pointed out that, the First Information Report has been registered on 02.07.2025 and the very same day the petitioners are arrested. Therefore by this time major portion of the investigation is already been completed. But the learned Public Prosecutor pointed out that, investigation is in progress. Many witnesses are yet to be questioned and those witnesses are from the native place of the minors. Certainly I do agree with the learned Public Prosecutor to the effect that, in a case like this nature an in-depth investigation is necessary. It is also argued that,

if the petitioners are released on bail at this stage there is high possibility to influence the witnesses and tamper with evidence.

9. But when considering the nature of the offence and the complicity of the petitioners in this crime this court of the view that, for the purpose of remaining portion of investigation the petitioners need not be detained behind the bars. Particularly when the case diary did not show that, the minors were brought to Thrissur by using fraud or source of any force or coercion. As on today there is no material on record to show that it was an abduction or by practicing any fraud or deception. Under such circumstances this court of the view that, the ingredients to attract offence under Section 143 (1) of BNS is to be further substantiated through investigation.

10. Therefore at this point of time this court of the view that, the petitioners need not be detained behind the bars. But the argument advanced by the learned Public Prosecutor to the effect that possibility to influence the witnesses and tamper with evidence has to be deprecated. In view of the above this court of the opinion that, such possibility has to be deprecated by imposing appropriate stringent conditions. Hence bail granted to the petitioners with the following conditions.

In the result, bail granted to the petitioners in Crl.M.C.1059/2025 (A1) and Crl.M.C.1052/2025 (A2) with the following conditions:

1. *The petitioners shall execute bond for Rs.75,000/- (Rupees Seventy Five Thousand only) each with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court.*
2. *The petitioners shall appear before the investigating officer on every Monday at 9.30 a.m for a period of 3 (three) months or till the filing of final report, whichever is earlier and shall appear before the investigating officer as and when called for.*
3. *One of the sureties shall produce his/her original document to substantiate his/her solvency along with a self attested copy of the said document. The original shall be returned on the day itself by comparing with the copy. Copy will be retained along with the bail bond and affidavits.*
4. *The petitioner in Crl.M.C.1059/2025 shall not leave the State of Kerala without the permission of the jurisdictional court.*
5. *The petitioners shall not influence, intimidate or threaten the witnesses and shall not interfere with the investigation in any manner.*
6. *It is made clear that, the petitioners shall not involve any offence like this nature while on bail, any similar offence is reported, that will be a ground to cancel the bail granted under this order.*

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 29th day of July, 2025.)

Sd/-

**P.P. SAIDALAVI.,
SESSIONS JUDGE.**

By Order,

Sheristadar

true copy/

Copy to: 1. Inspector of Police, Thrissur Railway PS.
2. JFCM No.III, Thrissur.

Copied by:pbs
Compared by:BKP