

IN THE COURT OF SESSION, THALASSERY

Present: Sri. Denny C J, Additional Sessions Judge-I
(Sessions Judge in-charge)

Tuesday, the 02nd day of June, 2026/12th Jyaishta, 1948.

BA No.577/2026

(Crime No.249/2026 of Thalassery Police Station)

Petitioner/Accused:-

Sunesh @ Mani, S/o.Suresh Babu, Aged 44 years,
Sunesh Nivas, Gopalpetta, Templegate.

Respondent/Complainant:-

State: The SHO, Thalassery Police Station.
Rep. by Public Prosecutor, Thalassery.

Petition under Section 482 of BNSS, 2023 for anticipatory bail.

This petition coming on the 30th day of May, 2026 for final hearing before me in the presence of Sri.P.Premarajan, Advocate for the petitioner; Sri.K.Ajith Kumar, Public Prosecutor for the State/respondent; and having stood over for consideration till this day, the Court passed the following:-

ORDER

Petition for pre-arrest bail filed U/s.482 of the BNSS.

2. The petitioner is the sole accused in Crime No.249/2026 of Thalassery Police Station registered for the offences punishable u/ss.296(b), 333, 115(2), 118(1), 118(2), 110 and 351(3) of BNS.

3. The prosecution case in brief is as follows:

That on 19.04.2026 at about 2.10 p.m., while the defacto complainant was standing on the veranda of his house at Gopalpetta in Thiruvangad Amsom, the accused, owing to political enmity, came to the premises armed with an iron pipe, abused the defacto complainant in filthy language, and criminally trespassed into the veranda. It is alleged that the accused caught hold of the defacto complainant by the collar of his shirt, assaulted him with his hands, causing him to fall to the ground, and thereafter kicked him. The accused is further alleged to have attempted to strike the defacto complainant on the head with the iron pipe with the intention of causing his death. The defacto complainant managed to ward off the blow with his hand

and evade a subsequent attack; otherwise, the assault could have resulted in his death. Thus the accused committed the above offences.

4. The learned Public Prosecutor has filed report and also produced the Case Diary.

5. Heard both sides.

6. The learned counsel for the petitioner has submitted that the petitioner is totally innocent. He did not commit any offence. The entire allegation is false. The learned counsel for the petitioners would further contended that on 19.04.2026 at about 2.10 p.m., the accused was wrongfully restrained and assaulted by CPM workers, namely Sumesh and Dharshan, at Gopalpetta, Tiruvangad, while he was proceeding to his workplace. It was submitted that the accused sustained injuries in the incident and consequently lodged a complaint before the Thalassery Police Station, on the basis of which Crime No. 250/2026 was registered for offences punishable under Sections 296(b), 352(3), 118(1), 110 and 3(5) of the BNS. The learned counsel further submitted that the accused subsequently came to know that a counter case had been registered against the him. The petitioner apprehend arrest and torture by the respondent. Petitioner is innocent of the charges leveled against him and he has not committed anything as alleged by the prosecution. He is ready to abide any condition. Hence, the learned counsel prays for pre-arrest bail.

7. The learned Public Prosecutor opposed the bail application on the ground that the offences alleged are very grave. If the petitioners are released on bail, there is every chance of repetition of crime. Hence, the learned Public Prosecutor prays for dismissal of the petition.

8. It is trite that a detailed examination of the evidence and elaborate documentation of the merits of the case should be avoided while passing orders on bail applications. The courts will have to be cautious as the party should not have the impression that his case has been prejudged. It is also equally settled that among other circumstances, the facts to be borne in mind while considering an application for bail are (i) Whether there is any

prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the accusation; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being influenced; and (viii) danger of course, of justice being thwarted by grant of bail and finally (ix) the larger interest of the public or the State (see- **Biraju Vs. State of Kerala -2018 (3) KLT 1005**).

9. I have found that the allegation leveled against the petitioner is serious. Investigation is going on. The case diary revealed that the petitioner has antecedence. Considering the entire circumstances of the case and applying the legal principles, I am of the considered opinion that this is not a fit case to grant anticipatory bail to the petitioner at this stage.

In the result, the petition is dismissed.

(Dictated to the Confidential Assistant transcribed and typed by him, corrected and pronounced by me in open Court, this the 2nd day of June, 2026).

Sd/-
SESSIONS JUDGE
(in-charge)

Copy to:-

1. The SHO, Thalassery Police Station.
2. The Petitioner.

Typed by : Manjush.C
Compared by : Jisha.K