

IN THE COURT OF SESSIONS, ERNAKULAM DIVISION

Present:-

Sri. K.K.Balakrishnan, Sessions Judge

Monday, 23rd day of March, 2026/2nd Chaithra, 1948

BA No.495/2026

(Crime No.34/2026 of Thadiyittaparambu Police Station)

**Petitioners/
Accused No.1 & 2:**

1. Jeril Joy, aged 45 years, S/o.Joy, Araykkal House, Vishnupuram Temple Road, Cheranelloor.P.O., Kochi-682034.
2. Jaison Joy, aged 41 years, Araykkal House, Vishnupuram Temple Road, Cheranelloor.P.O., Kochi-682034.

By Adv. T R Krishnadas

**Respondent/
Complainant:**

1. State of Kerala represented by Public Prosecutor, District & Sessions Court, Ernakulam-682 011.
2. Station House Officer, Thadiyittaparambu Police Station, Ernakulam District.

By Public Prosecutor Sri. Manoj G Krishnan

This petition filed u/s.482 of Bharatiya Nagarik Suraksha Sanhita praying this Court to grant anticipatory bail to the petitioner.

This petition coming on for hearing on 21.03.2026 and the Court on 23.03.2026 passed the following:

ORDER

This petition is filed u/s.482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, by A1 and A2 in Crime No.34/2026 of Thadiyittaparambu Police Station.

The offences alleged against him are punishable under Sections 323, 354, 324, 427, 447, 451, 452, 506 and 34 IPC.

2. The prosecution case, in brief, is as follows: The defacto complainant demanded return of his title deed used by the petitioners for availing loan from KSFE. Due to that enmity, on 20.06.2021 at 8.30 pm, the petitioners trespassed into his residence with deadly weapons. They threatened his son and hit and kicked on various parts of his body as a vengeance for demanding the title deed. When the defacto complainant and his elder son tried to prevent them, they caught hold on his neck and kicked him. When his wife intervened, they torn off her dress and thereby outraged her modesty. They kicked her on the stomach, causing fear of death and the child in her arms fell down. They destroyed the TV set and aquarium in the house with sticks, causing a loss of ₹10,000/-. On the basis of the statement given by the defacto complainant, 2nd respondent registered above said crime against the petitioners, alleging the offences stated above. Apprehending arrest in this crime, they approached this court with the present petition.

3. The petitioners contended that they are innocent of the allegations levelled against them. The first petitioner, being a neighbour of the defacto complainant, on 17/03/2018 upon the request of the respondent transferred a sum of ₹6,40,700/- from his brother's account to the loan account of the defacto complainant in order to prevent attachment of his property. The son of the defacto complainant borrowed ₹2,60,000/- from the first petitioner. The defacto complainant had assured repayment by mortgaging the said property elsewhere. Later, based on a mutual arrangement with the defacto complainant the title deed of his property mortgaged as surety in a KSFE chitty. The amount due to the 1st petitioner was settled from the chitty.

amount. As per the agreement, the remaining liability was to be repaid by the defacto complainant and another person by name Pradeesh. However, neither of them repaid the liability and revenue recovery proceedings have been initiated by KSFE. In order to evade repayment and to pressurize the petitioners to settle the liabilities, false complaints have been filed before various police stations. The allegation under Section 354 IPC is inserted only to give a criminal colour to a civil dispute and to ensure arrest of the petitioners. If pre-arrest bail is granted, they are ready to abide by any conditions for release on bail. They will furnish sufficient sureties for their appearance before the court as and when required, in the event of granting of pre-arrest bail. So pleaded to grant pre-arrest bail.

4. The investigating officer submitted a report opposing the bail application stating that if pre-arrest bail is granted to the petitioners, there is every chance for influencing or intimidating the witnesses in this case, including the defacto complainant at this stage and thereby the investigation will be disrupted. Repetition of similar offences also cannot be ruled out, if granted pre-arrest bail. Hence, argued for dismissal of the petition.

5. Heard both sides and perused the case diary.

6. The learned counsel for the petitioners reiterated the same contentions in the petition by submitting that the petitioners are innocent. They have no criminal antecedents. They are ready to co-operate with the investigation and ready to abide any conditions. Therefore, the learned counsel argued for pre-arrest bail.

7. The learned Public Prosecutor seriously opposed the petition pointing out that the investigation of the case is in the preliminary stage. If the petitioners are granted pre-arrest bail, there is chance for influencing or

threatening the witnesses including the defacto complainant. It would adversely affect the investigation. So argued for dismissal of the petition.

8. The case records reveal that there were money transactions between the petitioners and the defacto complainant. The incident was happened on 20.06.2021. After 5 years, FIR registered on 15.01.2026. The subject matter is related to financial transactions between the parties. Petitioners have no reported criminal antecedents. The objections raised by the investigating officer can be addressed by imposing stringent conditions for pre-arrest bail. Considering all the facts and circumstances of the case, I am of the view that this is a fit case to invoke jurisdiction vested with the court u/s.482 of BNSS to grant pre-arrest bail to the petitioners. Therefore, considering the facts and circumstances of the case, I am inclined to grant pre-arrest bail to the petitioner, on conditions.

In the result, this petition is allowed on the following conditions.

- i. The petitioners shall be released on bail on their executing bond for ₹50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum, in the event of their arrest in crime No.34/2026 of Thadiyittaparamba Police Station.
- ii. They shall appear before the Investigating Officer as and when directed in writing by the investigating officer.

iii. They shall not tamper the evidence or try to influence or intimidate the witnesses.

iv. They shall not involve in any other offence.

Dictated to the Confidential Assistant, transcribed and typed by her, revised and corrected by me and pronounced on this the 23rd day of March, 2026.

Sd/-
K K Balakrishnan
Sessions Judge

Typed by: sm
Comp.by:

BA No.495/2026
Order dated: 23.03.2026