

IN THE COURT OF SESSION, MANJERI DIVISION

Present:- Sri. K. Sanilkumar, Sessions Judge

Tuesday, the 07th day of October, 2025

CRIMINAL MISCELLANEOUS CASE No.1048/2025

In

Crime No. 854/2025 of Tanur Police Station

Between:-

Muhammed Favas, S/o Saidalavi,
Valiyapeediyekkal House, Pantharangadi P.O,
Thirurangadi, Malappuram District.

} **Petitioner**
A3

And:-

State of Kerala: Represented by the **Inspector of Police, Tanur Police Station.**

} **Respondent**
Complainant

This petition coming on this day for hearing before me in the presence of **Sri. P.P. Muneer**, Advocate for the petitioner and of the **Public Prosecutor** for the respondent, the court passed the following:

ORDER

This is an application for regular bail moved by the petitioner/A3 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in **Crime No.854/2025 of Tanur Police Station**, registered under Sections 126(1), 309(6), 311 and 312 r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution case is that at about 9.50 P.M on 14.08.2025 while the defacto complainant along with his relative Ashraf was coming with money from Kodinji to the house at Thennala in a car bearing No.KL-65-V-7484, when the car reached at Thattathala, the accused Nos.1 to 4 came in the blue Maruthi 800 bearing No.4185, and they were masked, and with the intention to commit the offences intercepted the car driven by the defacto complainant and shattered the glasses of the car using dangerous weapons, like iron rods and as a result the defacto complainant sustained injuries. It is further alleged that the accused committed robbery of an amount of Rs.1,92,50,000/- kept inside the car and the Samsung mobile phone of the defacto complainant. Thus, the accused are alleged to have committed the aforementioned offences.

3. Heard both sides.

4. The learned counsel for the petitioner submits that the petitioner is innocent of the charges levelled against him and he has been in judicial custody from 24.08.2025 onwards and the petitioner is ready and willing to abide by any conditions that may be imposed by this court.

5. The learned Public Prosecutor opposes the bail application stating that the petitioner has criminal antecedents as Cr.No.514/2009 of Tirurangadi police station registered under sections 323, 324, and 341 r/w 34 of IPC, Cr.No.331/2009 of Tirurangadi police station registered under sections 143, 147, 148,

341, 323 and 324 r/w 34 of IPC, Cr.No.188/2018 of Tirurangadi police station registered under sections 341, 323, and 506(1) r/w 34 of IPC and Sec. 3(1)(s), 3(2)(va) of SC/ST (POA) Act, Cr.No.686/2021 of Tirurangadi police station under sections 341 and 324 r/w 34 of IPC and Cr.No.725/2022 of Tirurangadi police station. The learned Public Prosecutor further submits that the investigation of the case is in its infancy and recovery of the amount is to be carried out. Therefore, release of the petitioner at this stage will adversely affect the smooth investigation of the case.

6. With respect to the criminal antecedents reported against the petitioner, the learned counsel for the petitioner produced copies of the judgments claiming that in three cases the petitioner is acquitted and presently two cases are pending against him.

7. In **Dhatathreya v. State of U.P. (2018 (3) SCC 22)**, the Hon'ble Supreme Court held that 'grant of bail is the rule and putting a person in jail is an exception'. Even though the grant of bail is entirely the discretion of the court, it has to be evaluated based on the facts and circumstances of each case and the discretion has to be exercised in a judicious and compassionate manner.

8. Considering the facts and circumstances and the stage of investigation, and the rival submissions made across the bar, and on comprehending the nature, seriousness and gravity of the offences alleged against the petitioner, and taking into account the fact that the investigation is in its infancy, and the criminal antecedents reported

against the petitioner, this court is not inclined to grant bail to the petitioner at this juncture.

In the result, the petition fails and stands dismissed.

(Dictated to the Confidential Assistant, transcribed by her, corrected by me and pronounced in open Court on this, the 7th day of October, 2025.)

Sd/-

Sessions Judge

Typed by: Sumitha

Compared by: 1. Sumitha

2. Shyja

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Fair/Copy of Order in Crl.M.C.No.1048/2025
Dated: 07-10-2025

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