

IN THE COURT OF SESSIONS, ERNAKULAM DIVISION

Present:-

Sri. Syamlal S.R, Additional Sessions Judge – II

Wednesday, 1st day of April, 2026/11th Chaithra, 1948

BA No.666/2026

(Crime No.247/2026 of Nedumbassery Police Station)

Petitioners/

Accused No.1 & 2:

1. Sanju, aged 43 years, S/o.Velayudhan,
Madathilakam House, Choondi,
Erumathala.P.O., Aluva.
2. Yusaf, aged 49 years, S/o.Aliyar, Muringassery
House, Edathala.P.O., Aluva.

By Adv. Shiras Aliyar

Respondent/

Complainant:

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

By Public Prosecutor Sri. Anver Basheer

This petition filed u/s.483 of Bharatiya Nagarik Suraksha Sanhita
praying this Court to grant regular bail to the petitioner.

This petition coming on for hearing on 30.03.2026 and the Court
on 01.04.2026 passed the following:

ORDER

This application is for bail filed u/s.483 of BNSS by accused Nos.1 and 2
in crime No.247/2026 of Nedumbassery Police Station, Ernakulam. The
offences alleged against the accused / petitioners are u/s 126(2), 115(2), 118(1),

110, 351(2), 296(b) and 3(5) of BNS.

2. Prosecution case In brief, is stated as follows:- The accused had animosity towards the first informant, as he had not repaid money to accused No.1. Due to that enmity, on 20.03.2026 at about 12 noon, the accused approached the first informant in a car while he was standing at Mahilalayam Junction and took him to a workshop on the pretext of discussing the money. When the vehicle reached in front of the workshop, the accused sat on either side of the first informant, who was seated on the back seat of the car. Accused No.1 then uttered obscene words and stated that he would be released only if an amount of ₹3,000/- was paid, and accused No.1 also slapped the first informant on his left cheek. Thereafter, the accused took the first informant out of the car, made him sit on a half wall, and accused No.2 uttered obscene words and threatened to kill him if the money was not paid. Accused No. 2 then assaulted the first informant on his face, neck, and chest with his hands and hit him on the head with a glass, thereby causing injuries. The accused No.2 then took a baseball bat from the car and beat him on his back three times. Accused No.1 took the baseball bat from accused No.2, poked the first informant on the chest with it, and also beat him on his right foot. The accused then took the first informant inside the car, went away, purchased liquor, and returned to the workshop. Accused No.1, while uttering obscene words, again assaulted him on his neck and face. Thus, it is alleged that the accused

committed the aforesaid offences.

3. The petitioners were arrested on 21.03.2026 and have been in custody since then.

4. The case of the petitioners' in brief is stated as follows:- The second petitioner is a bus owner, and the first informant was working as a conductor under him. There was a dispute between them regarding the alleged misappropriation of daily bus collection by the first informant. When the second petitioner questioned the same, the first informant foisted a false case against the petitioners. The offence under Section 110 of the BNS is not sustainable. The petitioners requested for granting bail.

5. The Sub-Inspector of Police, Nedumbassery Police Station, filed a report stating that the second accused is an accused in crime No.843/2025 U/s 281 BNS and 185 M V Act of Edathala Police Station; crime No.480/2016 U/s 279 IPC, 185 MV Act of Edathala Police Station; crime No.392/2019 U/s 279 IPC, 185 MV Act of Edathala Police Station; crime No.682/2021 U/S 15(c) KP Act of Thadiyittaparambu Police Station and crime No.1127/2023 U/s 279 IPC, 185 MV Act of Elamakkara Police Station. The investigation of the case is at a preliminary stage. If the petitioners are granted bail, there is a possibility of them endangering the first informant and his family members, tampering with evidence by influencing witnesses, and absconding. He requested for the dismissal of the bail application.

6. The first informant/victim filed an affidavit stating that the matter has been settled and that he has no complaint against the accused and no objection in granting bail.

7. Heard the counsel for the petitioners, the counsel for the victim, and the learned Additional Public Prosecutor.

Points for consideration are:-

1. Are the petitioners entitled to get bail?

2. What is the final order to be passed?

8. **Point No.1:-** The counsel for the petitioners submitted that the petitioners have been falsely implicated in the case and that their further custody is not necessary, especially in view of the settlement.

9. The counsel for the victim submitted that the matter has been settled and that the victim has no objection in granting bail to the petitioners.

10. The learned Additional Public Prosecutor opposed the bail application on the ground that the allegations against the petitioners are grave in nature and that the investigation is at a preliminary stage.

11. The allegation against the petitioners is that they abducted the first informant and assaulted him using their hands, a baseball bat, and a glass. On going through the prosecution case, it is evident that the first informant did not sustain any grievous injury in the incident.

12. The petitioners were arrested on 21.03.2026. Thus, they have

been in custody for 12 days. The prosecution has no case that further custody of the petitioners is necessary for the purpose of investigation. Moreover, the first informant has filed an affidavit stating that he has no objection in granting bail to the petitioners.

13. Considering the fact that the first informant did not sustain any grievous injury in the incident, that further custody of the petitioners is not necessary for the purpose of investigation, and that the first informant has no objection in granting bail, this Court is of the view that a lenient approach can be taken and the petitioners can be granted bail.

14. **Point No. 2:-**

In the result, the petition is allowed.

The petitioners are granted bail on the following conditions.

1. The petitioners shall execute a bond for Rs.1,00,000/- with two solvent sureties each for the like sum before the Jurisdictional Magistrate.
2. The petitioners shall not leave India without the prior permission of the jurisdictional Court.
3. The petitioners shall surrender their passport before the Jurisdictional Magistrate within 7 days of their release, and if they do not have a passport, they shall file an affidavit to that effect within 7 days of executing the bail bond.
4. The petitioners shall not make any inducement, threat or promises to

any of the prosecution witnesses.

5. The petitioners shall not commit any similar offence while on bail.
6. The petitioner shall appear before the Investigating Officer on every Monday and Thursday between 9.00 a.m. and 11.00 a.m. for a period of two months from the date of this order or until the filing of the final report, whichever is earlier.
7. If the petitioners want to modify or lift any of the above-mentioned conditions, they are at liberty to approach the jurisdictional court.
8. The jurisdictional court is at liberty to cancel the bail of the petitioners, granted by this order, in accordance with law, if the petitioners violate any of the bail conditions.

Dictated to Adalat AI, corrected and pronounced by me in open court on this the 1st day of April 2026.

Sd/-
Syamlal S R
Additional Sessions Judge-II

Typed by: Sindhu.S.T.
Comp.by:

BA No.666/2026
Order dated: 01.04.2026