

IN THE COURT OF SESSIONS, ERNAKULAM DIVISION

Present:-

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

Monday, 16th day of March, 2026/25th Phalguna, 1947

BA No.412/2026

(Crime No.63/2026 of Palarivattom Police Station)

Petitioner/

Accused:

Bibinkumar.B., aged 29 years, S/o.Binu,
Kathavilaputhenveedu, Nadutheri, Thalavoor,
Kollam District, Pin-691508.

By Advs. Sam Isaac Pothiyil, S Suraja

Respondent/

Complainant:

1. State of Kerala represented by Public Prosecutor,
District & Sessions Court, Ernakulam-682 011.
2. Station House Officer, Palarivattom Police
Station, Ernakulam District, Pin-682025.

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 12.03.2026 and the Court on 16.03.2026 passed the following:

ORDER

This application is for bail filed u/s.483 of BNSS by the accused in crime No.63/2026 of Palarivattom Police Station, Ernakulam. The offences alleged against the accused / petitioner are u/s 109, 332(a) of BNS and 75 of JJ Act.

2. Prosecution case in brief, is stated as follows:- The first informant

who was living with the accused had left the accused with their 6 month old child, as the accused had been harassing her. Due to that animosity, and with the intention to murder the first informant and their 6-month-old child by setting them ablaze after pouring petrol, on 23.01.2026 between 14.40 and 14.46 hours, the accused came to Room No. 303 of JTR Residency, where the first informant, her 6-month-old child, and Sarita, a friend of the first informant, were residing, and knocked on the door. When Sarita opened the door, the accused poured petrol on the bodies of the first informant and the child and attempted to murder them by setting them ablaze with a lighter. Therefore, it is alleged that the accused committed the aforesaid offences.

3. The petitioner was arrested on 23.01.2026 and has been in custody since then.

4. Petitioner's case in brief, is stated as follows:- The petitioner is falsely implicated in the case. The petitioner is innocent of the allegations levelled against him. He has not committed any offence as alleged in the FIR. The grounds of arrest were not communicated or informed to the petitioner. The petitioner is absolutely innocent. The investigation of the case is practically over. Hence further custody of the petitioner is not necessary. He requests for granting bail.

5. The Inspector of Police, Palarivattom Police Station, filed a report stating that the petitioner is an accused in Crime No. 362/2023 u/s 341, 323,

324, 294(b), 34 IPC of Kunnikkod police station. If the petitioner is granted bail, there is a possibility of danger to the life of the first informant, her child and her friend, the petitioner absconding, committing similar offences and destroying evidence by influencing or threatening witnesses. The grounds of arrest were communicated to the petitioner as well as to his mother. Hence, he requests for the dismissal of the bail application.

6. Heard the counsel for the petitioner and Additional Public Prosecutor.

Points for consideration are:-

1. Is the petitioner entitled to get bail?
2. What is the final order to be passed?

7. **Point No.1:-** The counsel for the petitioner argued that the petitioner has been falsely implicated in the case. He further argued that the petitioner may be granted bail since his further custody is not necessary. He further argued that the petitioner is entitled to bail since the grounds of arrest were not communicated to him.

8. Additional Public Prosecutor opposed the bail application on the ground that the accusation against the petitioner is grievous in nature. He further submitted that the grounds of arrest were duly communicated to the petitioner.

9. On going through the documents produced by the Additional

Public Prosecutor, it is evident that the grounds of arrest were duly communicated to the petitioner. Therefore, the petitioner cannot be granted bail on the ground that the grounds of arrest were not furnished to him.

10. The accusation in this case is that he poured petrol on the first informant, with whom he was living together, and on their six-month-old child, and then tried to set them ablaze. It is true that the accusation against the petitioner is grievous in nature. But that alone is not a ground at this stage to deny bail to the petitioner.

11. In this case, the petitioner was arrested on 23.01.2026. So he has been in custody for 53 days. The prosecution has no case that further custody of the petitioner is necessary for the purpose of investigation.

12. The apprehension of the Investigating Officer that, if the petitioner is granted bail, there is a possibility of the petitioner endangering the life of the first informant and her child can be addressed by imposing stringent bail conditions.

13. Considering the period of custody already undergone by the petitioner and the fact that further custody of the petitioner is not necessary for the purpose of investigation, it is held that a lenient view can be taken and the petitioner can be granted bail.

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

In the result, the petition is allowed.

The petitioner is granted bail on the following conditions.

1. The petitioner shall execute a bond for Rs.1,00,000/- with two solvent sureties each for the like sum before the Jurisdictional Magistrate. The sureties shall produce their original title deeds for verification at the time of execution of the bail bond.
2. The petitioner shall not leave India without the prior permission of the jurisdictional Court.
3. The petitioner shall surrender his passport before the Jurisdictional Magistrate within 7 days of his release, and if he does not have a passport, he shall file an affidavit to that effect within 7 days of executing the bail bond.
4. The petitioner shall not make any inducement, threat or promises to any of the prosecution witnesses.
5. The petitioner 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. The petitioner shall not enter the jurisdiction of Palarivattom Police Station, except to comply with Condition No. 6, till the filing of the final report.

8. If the petitioner wants to modify or lift any of the above-mentioned conditions, he is at liberty to approach the jurisdictional Magistrate.
9. The jurisdictional Magistrate is at liberty to cancel the bail of the petitioner, granted by this order, in accordance with law, if the petitioner violates any of the bail conditions.

Dictated to Adalat AI, corrected and pronounced by me in open court on this the 16th day of March 2026.

Sd/-
Syamlal S R
Additional Sessions Judge-II

Typed by: Sindhu.S.T.

Comp.by:

BA No.412/2026
Order dated: 16.03.2026