

**IN THE COURT OF SESSIONS, ERNAKULAM DIVISION**

*Present:-*

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

Monday, 15<sup>th</sup> day of December, 2025/24<sup>th</sup> Agrahayana, 1947

**Crl.MC No.3616/2025**

(Crime No.682/2025 of Maradu Police Station)

**Petitioner/  
Accused No.6:**

Saji.M.S., aged 43 years, S/o.Subramanian.V.R.,  
Mandakara House, Mahathma Grandhalayam  
Road, Vaduthala, Pin-682023.

**By Adv. T R Madhu**

**Respondent/  
Complainant:**

State of Kerala represented by Station House  
Officer, Maradu Police Station through Public  
Prosecutor, District & Sessions Court,  
Ernakulam-682011.

**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 12.12.2025 and the Court  
on 15.12.2025 passed the following:

**ORDER**

This is the third application for bail filed u/s.483 of BNSS by accused  
No.6 in crime No.682/2025 of Maradu Police Station, Ernakulam. The  
offences alleged against the accused are u/s 61(2), 310(2), 311 of BNS and 27(1)  
of Arms Act.

2. Prosecution case in brief, is stated as follows:- Accused No.7, on coming to know that the first informant, a businessman, had money with him, conspired with accused Nos.6 and 8 and made the first informant believe that if money is deposited in cash in trading profit fund companies known to accused No.7, he would get double the amount through the bank. Thereafter, accused No.7 sent accused No.6 to the first informant, to make sure that the money was indeed with the first informant. Then accused Nos.6 to 8, on 29.09.2025 at about 2.00 p.m., at Starbucks Cafe, Thoppumpady, talked with the first informant. Thereafter, on 08.10.2025, at 2.00 p.m as per the instruction of accused Nos.1, 2 and 6, the first informant was called to Empire Plaza Hotel. Accused Nos.1, 2 and 6 came to Empire Plaza Hotel in the car arranged by accused No. 9, a friend of accused No.7. Then accused Nos.1, 2, and 6 talked with the first informant and thereafter accused Nos. 1, 2, and 6 together came to the National Steel Company of the first informant. The first informant then sent accused Nos.1 and 2 along with two of his staff members to count ₹81,00,000/- which was kept in a room. While the money was being counted, on 08.10.2025 between 3.00 p.m. and 3.15 p.m., accused Nos.3, 4, and 5, armed with a sword sticks and gun, came to the office of the first informant, threatened him by placing the sword stick on his chest, and entered the room in which the money was kept by breaking the glass. They then threatened the staff of the first informant by showing the gun. After the staff

members left the room, accused Nos.3, 4, and 5 left the place with the bags containing ₹81,00,000/-. Accused Nos.1 and 2 also fled from the scene. Thereafter, accused Nos.2 and 3 went to the house of accused No.11, and accused No.3 handed over the pistol and pellets used for committing the offence to accused No.10, who concealed the pistol and pellets in his wife's house. Subsequently, accused Nos.3, 10, and 11 concealed a bag containing ₹19,94,500/- in the house of one Assi. Thereafter, accused Nos.3, 10, and 11 parked the car used for committing the crime behind Valappad Church and helped accused No.3 to escape by taking him to the railway station in a taxi. Therefore, it is alleged that the accused committed the aforesaid offences.

3. The petitioner/ accused No.6, was arrested on 9.10.2025 and has been in custody since then.

4. Petitioner's case in brief, is stated as follows:-The petitioner neither committed the crime nor was involved in the case in any manner. The allegations levelled against the petitioner are totally a cooked-up story. The petitioner is innocent of the allegations raised by the prosecution. No sufficient material has been brought by the prosecution to array the petitioner in the list of accused. The petitioner has been implicated in the case due to a mistaken notion. The investigation has been completed and further custodial interrogation of the petitioner is not necessary. The petitioner's father died recently. The petitioner is an auto-rickshaw driver and is the sole breadwinner

of his family. The petitioner has an aged mother, wife, and two children. Due to the arrest of the petitioner, the treatment of the petitioner's mother has been stopped. He requested for granting bail.

5. Inspector of Police, Maradu Police Station, filed a report stating that if the petitioner is granted bail, there is a possibility of him committing similar offences, threatening witnesses, and absconding. He requested 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 and that he had no involvement in the commission of the crime.

8. Additional Public Prosecutor opposed the bail application on the ground that the investigation of the case is ongoing and that police custody of the petitioner is necessary.

9. The accusation against the petitioner is that accused Nos.1, 4, and 6 to 9 conspired to robe money from the first informant and in furtherance of the criminal conspiracy hatched by accused Nos.1, 4, and 6 to 9, accused

Nos.3 to 5 came to the office of the first informant and robbed ₹81,00,000/- after threatening the first informant and his staff.

10. It is true that the accusation against the petitioner is grievous in nature. But that alone is not a ground to deny bail to the petitioner at this stage. The earlier bail application filed by the petitioner was dismissed on 06.11.2025. The investigation has progressed considerably after the dismissal of the earlier bail application.

11. The petitioner was arrested on 09.10.2025, and therefore he has been in custody for 68 days. The prosecution has no case that further custody of the petitioner is necessary for the purpose of investigation or that he has criminal antecedents. On going through the prosecution case, it is evident that even though the accused had conspired to commit the crime, the petitioner was not among those who actually participated in or carried out the robbery.

12. 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, that he has no criminal antecedents, and that the petitioner was not among those who actually participated in or carried out the robbery., it is held that a lenient view can be taken and the petitioner can be granted bail.

13. **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 deed 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 all Mondays and Thursdays between 9.00 a.m. and 11.00 a.m., till the final report is filed.
7. If the petitioner wants to modify or lift any of the above-mentioned conditions, he is at liberty to approach the jurisdictional Magistrate.
8. 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 the Adalat A1, corrected and pronounced by me in open court on this the 15<sup>th</sup> day of December, 2025.

Sd/-  
**Syamlal S R**  
**Additional Sessions Judge-II**

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

**CrI.MC No.3616/2025**  
**Order dated: 15.12.2025**