

IN THE COURT OF SESSIONS, ERNAKULAM DIVISION*Present:-***Sri. K.K.Balakrishnan, Sessions Judge**Tuesday 19th day of May, 2026/ 29th Vaisakha, 1948.**BA No.981/2026**

(Crime No 336/2026 of Kalamassery Police Station)

Petitioner:Monu @ Muhammad Zakariya K, aged 28 years,
S/o. Muhammad Zakariya K, Karingamthodi
House, Cherpulassery P O, Palakkad District, Pin-
679 503.**By Advs.Akhil Baburaj & Abemon Thomas.****Respondent /
Complainant :**State of Kerala represented by Station House
Officer, Kalamassery Police Station, through the
Public Prosecutor, Sessions Court, Ernakulam.**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 18.05.2026 and the Court on 19.05.2026 passed the following:

ORDER

This petition for bail is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by A2 in crime No.336/2026 of Kalamassery Police Station. The offences alleged against the accused is punishable under Sections 110, 126 (2) and 3(5) of Bharatiya Nyaya Sanhita, 2023 (BNS).

2. The allegation of the prosecution, in brief, is as follows :- In protest of the questioning of the A1's car hitting the defacto complainant's scooter, on

28.04.2026 at about 8.55 p.m., A1 brought the petitioner and other accused with an intention to cause bodily harm to the defacto complainant. They knowing that their actions would lead to his death, the petitioner hit the defacto complainant on both sides of the face with his hands, held him by the neck and unjustly obstructed him, and knocked him down with his left foot. A1 and A3 to A7 acted as accomplices and helpers to each other in the crime by beating, hitting, and kicking the victim. Based on the statement of defacto complainant, the respondent registered the above case against the accused, alleging above stated offences.

3. The petitioner contended that he is innocent and has been falsely implicated in the case. The incident arose out of a sudden quarrel and there was no premeditation, intention or prior enmity. The allegations of assault are grossly exaggerated and FIR does not disclose any serious or grievous injuries nor any use of dangerous weapons. The alleged injuries are simple in nature. The delay in filing the FIR is not explained. Petitioner is the only earning member of the family. He is ready to abide by any conditions for release on bail and is ready to co-operate with the investigation. He will not interfere in the investigation or tamper with the evidence. Therefore, pleaded to grant pre-arrest bail to him.

4. The Investigating Officer strongly opposed the bail application stating that the case is under investigation. He pointed out the serious nature of the offences alleged in this case. If the petitioner is released on bail, there is every chance for influencing or intimidating the witnesses. So, pleaded to dismiss the petition.

5. Heard both sides and perused records.

6. The learned counsel for the petitioner reiterated the facts narrated in the petition and further submitted that the petitioner is innocent in this case. The petitioner is ready to abide by any conditions imposed by this Court. If bail is granted in the above matter, he will not interfere with the investigation. Thus, the learned counsel argued to release the petitioner on bail.

7. The learned Public Prosecutor seriously opposed the petition and submitted that if the petitioner is released on bail at this stage, there is every chance for influencing or intimidating the witnesses. So, argued to dismiss the petition.

8. I have perused the case diary produced by the investigating officer. The crux of the prosecution case is that the petitioner and other accused with an intention to cause death of the defacto complainant, inflicted bodily harm to him. The investigating officer reported that A1 and A4 is already arrested on 30.4.2024. The learned counsel for the petitioner replied that they were

released on bail. The report submitted by prosecution is silent about the status of A1 and A4 after the arrest. The main objections raised by the investigating officer out of the six objections against the bail applications are there is chance for intimidating or influence the witnesses by the petitioner and also there is chance for absconding of him if pre-arrest bail is granted. Considering these objections and the report submitted by the investigating officer that no criminal antecedent is against the petitioner I am of the view that if pre-arrest bail is granted with stringent conditions on going investigation will not be affected. So I am inclined to grant pre-arrest bail to the petitioner with following conditions.

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

- i. The petitioner is directed to surrender before the Investigating Officer on or before 10 a.m. on 26.05.2026;
- ii. After the interrogation, the Investigating Officer shall produce him before the jurisdictional Court on or before 4 pm on the date of surrender itself;
- iii. On such production, the jurisdictional Magistrate shall release the petitioner on bail on his executing bond for ₹50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the like sum, to the satisfaction of the Jurisdictional Court;
- iv. He shall appear before the Investigating Officer on First and Third Saturday in between 11 a.m. and 1 p.m. for a period of

three months or till filing of the Final Report, which occurs first.

- v. He shall co-operate with the investigation and make himself available for interrogation and for the purpose of investigation as and when the Investigating Officer directs;
- vi. He shall not intimidate witnesses or interfere with the investigation in any manner;
- viii. He shall not get involved in any other offence while he is on bail;

The application if any, for deletion/modification of the bail conditions or cancellation of bail on the grounds of violating the bail conditions shall be filed at the jurisdictional court.

Dictated to the Confidential Assistant, transcribed and typed by her, revised and corrected by me and pronounced on this the 19th day of May, 2026.

Sd/-

K K Balakrishnan
Sessions Judge

Typed by: sm
Comp.by:

BA No.981/2026
Order dated: 19.05.2026