



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2026
(@ SLP(CRL.) NO. 4163/2026)

FASALUL RAHMAN & ANR.

Appellant(s)

VERSUS

STATE OF KERALA

Respondent(s)

O R D E R

Leave granted.

This appeal challenges the order dated 20.02.2026 passed by the High Court of Kerala at Ernakulam in Bail Application No.415 of 2026.

Apprehending arrest in connection with crime registered pursuant to FIR No.08 of 2026 dated 03.01.2026 lodged with the Police Station Vazhakkad, District Malappuram in respect of the offences punishable under Sections 189(2), 191(2), 132, 121(1), 351, 296(b) read with Section 190 of the Bharatiya Nyaya Sanhita, 2023 ("BNS" for short) and under Section 117(e) of the Kerala Police Act, 2011, the appellants preferred an application before the High Court seeking anticipatory bail in terms of Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" for short).

The application for anticipatory bail having been rejected by the High Court *vide* the impugned order dated 20.02.2026, the instant appeal has been preferred.

By order dated 11.03.2026, while issuing notice, this Court passed the following order:

"Issue notice to the respondent, returnable on 08.04.2026.

Learned Standing Counsel for the respondent-State accepts notice.

Till the next date of hearing, no coercive steps shall be taken as against the petitioners herein vis-a-vis FIR No.8 of 2026 dated 03.01.2026 of PS Vazhakkad, District Malappuram, subject to the petitioners cooperating with the investigation."

We have heard learned counsel in support of the appellants and learned counsel for the respondent-State and perused the material on record.

Learned counsel for the appellants submitted that the allegations as against the appellants are not true at all; that said allegations have been made against them owing to a previous animosity of the appellants with one of the police officers; that this Court by interim order dated 11.03.2026 has protected the appellants. They have been cooperating with the investigation which is not yet completed. There is no need for custodial interrogation of the appellants herein. In the circumstances, this Court may make the interim order absolute and grant the relief of anticipatory bail to the appellants herein.

Per contra, learned counsel for the respondent-State with reference to his counter affidavit contended that the appellants have prevented the police officer from discharging his duties; the allegations as against them are serious. In the circumstances, the High Court was justified in declining to grant the relief of anticipatory bail to the appellants herein. There is no merit in this appeal and hence, the same may be dismissed.

Considering the circumstances on record, in our view, the appellants are entitled to the relief claimed under Section 482 of the BNSS.

We, therefore, allow this appeal and set aside the order passed by the High Court dated 20.02.2026. We direct that in the event of arrest of the appellants, the Arresting Officer shall release the appellants on bail subject to furnishing cash security in the sum of Rs. 25,000/- (Rupees Twenty-Five Thousand only) each, with two like sureties.

It is directed that the appellants shall extend complete cooperation in the ensuing investigation. The appellants shall not misuse their liberty and shall not in any way influence the witnesses or tamper with the material on record.

With the aforesaid directions, the Criminal Appeal is allowed.

.....J.
(B.V. NAGARATHNA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
May 19, 2026

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 4163/2026
[Arising out of impugned final judgment and order dated 20-02-2026
in BA No. 415/2026 passed by the High Court of Kerala at Ernakulam]

FASALUL RAHMAN & ANR.

Petitioner(s)

VERSUS

STATE OF KERALA

Respondent(s)

(FOR ADMISSION

IA No. 72744/2026 - EXEMPTION FROM FILING O.T.)

Date : 19-05-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Renjith B. Marar, Adv.
Ms. Lakshmi N. Kaimal, AOR
Mr. Arun Poomulli, Adv.
Mr. Harsh Vardhan Shyam, Adv.
Ms. Jeby Mather, Adv.

For Respondent(s) Mr. Harshad V. Hameed, AOR
Mr. Dileep Poolakkot, Adv.
Mrs. Ashly Harshad, Adv.
Mr. Mahabir Singh, Adv.
Mr. Anukirat Singh Baweja, Adv.
Mr. Muhammed Siddick, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The Criminal Appeal is allowed in terms of the signed order.
3. Pending application(s), if any, shall stand disposed of.

(RADHA SHARMA)
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)
COURT MASTER (NSH)

(Signed order is placed on the file)