



2025:KER:33046

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE JOBIN SEBASTIAN

FRIDAY, THE 25TH DAY OF APRIL 2025 / 5TH VAISAKHA, 1947

BAIL APPL. NO. 5636 OF 2025

CRIME NO.182/2025 OF Thamarassery Police Station,

Kozhikode

PETITIONERS/CCL 1 & 5:

- 1 SOORYA KIRAN, AGED 15 YEARS, S/O.SANTHOSH,
LAKSHMI HOUSE, AMBALAKKUNNU, THAMARASSERY P.O.,
REPRESENTED BY GUARDIAN AND FATHER SANTHOSH,
PIN - 673573
- 2 YADAV P., AGED 16 YEARS, THOOVAKKUNNUMMAL HOUSE,
KORANGADU, THAMARASSERY, REPRESENTED BY GUARDIAN AND
MOTHER JISHA, PIN - 673573

BY ADV K.M.FIROZ

RESPONDENTS:

- 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031
- 2 THE STATION HOUSE OFFICER,
THAMARASSERY POLICE STATION,
KOZHIKODE, PIN - 673573
- 3 MUHAMMED IQUBAL.K., S/O ABDUL KHADER P.K.,
AGED 48 YEARS, R/AT PALORAKKUNNUMMAL,
THAMARASSERY.P.O., CHUNGAM, KOZHIKKOD
(IMPLEADED AS ADDL R3 AS PER ORDER DTD
22/4/25 IN CRL MA 2/25)



B.A. No.5636/2025, 5648/2025,
5652/2025, 5657/2025

2

2025:KER:33046

BY ADVS.
KODOTH SREEDHARAN
K.P.MUHAMMAD ARIF
ABDUL JALEEL.U.K
CHACKOCHEN VITHAYATHIL

C.K. SURESH, SENIOR PUBLIC PROSECUTOR
G. SUDHEER, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25.04.2025, ALONG WITH Bail Appl..5648/2025 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



B.A. No.5636/2025, 5648/2025,
5652/2025, 5657/2025

3

2025:KER:33046

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE JOBIN SEBASTIAN

FRIDAY, THE 25TH DAY OF APRIL 2025 / 5TH VAISAKHA, 1947

BAIL APPL. NO. 5648 OF 2025

CRIME NO.182/2025 OF Thamarassery Police Station,
Kozhikode

AGAINST THE ORDER/JUDGMENT DATED IN CRMC NO.419 OF
2025 OF ADDITIONAL DISTRICT COURT (ADHOC), KOZHIKODE
ARISING OUT OF THE ORDER/JUDGMENT DATED IN CMP NO.31 OF
2025 OF JUVANILE JUSTICE BOARD, KOZHIKODE

PETITIONER/ACCUSED (CCL) NO.2:

AJNAS BABU, AGED 15 YEARS
S/O. SHAIJU NISSAR.K.K. KOTTAKUNNUMMAL HOUSE,
THAMARASSERY (PO) , REPRESENTED BY GUARDIAN AND
FATHER SHAIJU NISSAR.K.K., PIN - 673573

BY ADV JACOB E SIMON

RESPONDENT/STATE:

- 1 STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
PIN - 682031
- 2 XXXXXXXXXXXX
XXXXXXXXXXXX XXXXXXXXXXXX
- 3 MUHAMMED IQUBAL.K., S/O ABDUL KHADER.P.K.,
AGED 48 YEARS, R/AT PALORAKKUNNUMMAL,
THAMARASSERY.P.O., CHUNGAM, KOZHIKKOD, PIN -673573
(IMPLEADED AS ADDL R3 AS PER ORDER DTD 22/4/25 IN CRL
MA 2/25)



B.A. No.5636/2025, 5648/2025,
5652/2025, 5657/2025

4

2025:KER:33046

BY ADVS.
KODOTH SREEDHARAN
K.P.MUHAMMAD ARIF
ABDUL JALEEL.U.K
CHACKOCHEN VITHAYATHIL
C.K. SURESH, SENIOR PUBLIC PROSECUTOR
G. SUDHEER, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25.04.2025, ALONG WITH Bail Appl..5636/2025, 5652/2025
AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:



B.A. No.5636/2025, 5648/2025,
5652/2025, 5657/2025

5

2025:KER:33046

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE JOBIN SEBASTIAN

FRIDAY, THE 25TH DAY OF APRIL 2025 / 5TH VAISAKHA, 1947

BAIL APPL. NO. 5652 OF 2025

CRIME NO.182/2025 OF Thamarassery Police Station,
Kozhikode

AGAINST THE ORDER/JUDGMENT DATED 11.04.2025 IN CRMC
NO.429 OF 2025 OF ADDITIONAL SESSIONS COURT (ADHOC)-II,
KOZHIKODE ARISING OUT OF THE ORDER/JUDGMENT DATED IN CMP
NO.33 OF 2025 OF JUVANILE JUSTICE BOARD, KOZHIKODE

PETITIONER/CCL NO.6:

ARFAN NISHAT.M, AGED 15 YEARS,
S/O. MANJUR, VARAKKAL HOUSE, THACHAMPOYIL P.O.,
THAMARASSERY, KOZHIKODE, REPRESENTED BY
GUARDIAN AND MOTHER, SHAHIDA., PIN - 673573

BY ADV K.M.FIROZ

RESPONDENT/STATE:

- 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031
- 2 XXXXXXXXXXXX
XXXXXXXXXXXX XXXXXXXXXXXX
- 3 MUHAMMED IQUBAL.K, S/O ABDUL KHADER.P.K., R/AT
PALORAKKUNNUMMAL, THAMARASSERY.P.O., CHUNGAM,
KOZHIKKOD, (IMPLEADED AS ADDL R3 AS PER ORDER DTD
22/4/25 IN CRL MA 2/25)



B.A. No.5636/2025, 5648/2025,
5652/2025, 5657/2025

6

2025:KER:33046

BY ADVS.
KODOTH SREEDHARAN
K.P.MUHAMMAD ARIF
ABDUL JALEEL.U.K
CHACKOCHEN VITHAYATHIL

C.K. SURESH, SENIOR PUBLIC PROSECUTOR
G. SUDHEER, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25.04.2025, ALONG WITH Bail Appl..5648/2025 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



B.A. No.5636/2025, 5648/2025,
5652/2025, 5657/2025

7

2025:KER:33046

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE JOBIN SEBASTIAN

FRIDAY, THE 25TH DAY OF APRIL 2025 / 5TH VAISAKHA, 1947

BAIL APPL. NO. 5657 OF 2025

CRIME NO.182/2025 OF Thamarassery Police Station,

Kozhikode

PETITIONERS/CCL NOS.3 & 4:

- 1 HARIGOVIND, AGED 15 YEARS, S/O. BIJU,
BR NIVAS, KUNNUMPURAM, THACHAMPOYIL (PO),
REPRESENTED BY GUARDIAN AND FATHER BIJU.,
PIN - 673573
- 2 RABIN BAL, AGED 15 YEARS, S/O. BAIJU,
B.R, GOVINDAM HOUSE, THAMARASSERY, REPRESENTED BY
GUARDIAN AND FATHER BAIJU., PIN - 673573

BY ADV K.M.FIROZ

RESPONDENT/COMPLAINANT:

- 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031
- 2 XXXXXXXXXXXX
XXXXXXXXXXXX XXXXXXXXXXXX
- 3 MUHAMMED IQUBAL.K., S/O ABDUL KHADER.P.K., R/AT
PALORAKKUNNUMMAL, THAMARASSERY.P.O., CHUNGAM, KOZHIKKOD
(IMPLEADED AS ADDL R3 AS PER ORDER DTD 22/4/25 IN CRL
MA 2/25)



B.A. No.5636/2025, 5648/2025,
5652/2025, 5657/2025

8

2025:KER:33046

BY ADVS.
KODOTH SREEDHARAN
K.P.MUHAMMAD ARIF
ABDUL JALEEL.U.K
CHACKOCHEN VITHAYATHIL

C.K. SURESH, SENIOR PUBLIC PROSECUTOR
G. SUDHEER, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25.04.2025, ALONG WITH Bail Appl..5648/2025 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



B.A. No.5636/2025, 5648/2025,
5652/2025, 5657/2025

9

2025:KER:33046

ORDER

[B.A. Nos. 5636/2025, 5648/2025, 5652/2025, 5657/2025]

These bail applications are filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita (BNSS).

2. Out of the above-mentioned bail applications B.A.
No.5636/2025 has been preferred by the children in conflict with law
Nos.1 and 5, B.A. Nos.5648/2025 and 5652/2025 have been
respectively preferred by the children in conflict with law Nos.2 and 6,
and B.A. No.5657/2025 has been preferred by the children in conflict
with law Nos.3 and 4, all involved in crime No.182/2025 of
Thamarassery Police Station.

3. The prosecution allegation is that on 27.02.2025 between 5
p.m. and 7 p.m. at City Mall compound Thamarassery, children in
conflict with law Nos.1 to 6 along with 15 other identifiable persons
formed themselves into an unlawful assembly armed with deadly
weapons and in prosecution of the common object of the said assembly
they wrongfully restrained a minor boy aged 15 years, assaulted him
and inflicted grievous injuries on him using dangerous weapons.



Immediately after the incident, though the injured boy was taken to the Medical College Hospital, Kozhikode, he succumbed to the injuries on the same day.

4. Heard the learned counsels appearing for the petitioners/children in conflict with law, as well as the learned Public Prosecutor. I also heard the counsel appearing for the victim's father and perused the records made available by both sides.

5. The learned counsel for the petitioners would submit that the petitioners, being below the age of 18 years, are entitled to get bail in view of the provision contained under Section 12 of the Juvenile Justice (Care and Protection) of Children Act, 2015. It was strenuously contended that the petitioners had been falsely implicated in this case without any materials. According to the counsels, there are no materials to show that if the juveniles are released on bail, their release is likely to bring them into association with any known criminals, expose them to moral, physical, or psychological danger, and would defeat the ends of justice. It was further contended that the petitioners are undergoing judicial incarceration for more than 56 days and their further retention in the observation home will not serve any purpose,



especially when their parents/guardians are ready to take proper care of them.

6. In response, the learned Public Prosecutor as well as the counsel appearing for the defacto complainant contended that the releasing of the petitioners on bail is not at all desirable, considering the heinous nature of the offence committed by them. According to the learned Public Prosecutor, the offence alleged in this case was a pre-planned one executed meticulously. It was further contended that the incident in this case sparked serious protests and public outcry in the locality, and the incident still remains sensitive. According to the learned Public Prosecutor, if the petitioners are released on bail, there is every likelihood of their lives being endangered. Moreover, it is submitted that releasing them on bail would likely bring them into association with known criminals and expose them to moral, physical, as well as psychological danger, and their release would certainly defeat the ends of justice.

7. From a perusal of the records, it is discernible that the accusation against the petitioners/children in conflict with law, is prima facie well-founded. The allegation that the petitioners unleashed



violence in a public place with dangerous weapons and attacked a minor student aged only 15 years, in a beastly manner, and murdered him, cannot be viewed lightly. Nonetheless, it is an admitted fact that all the petitioners herein who are facing the allegation of murder are below the age of 18 years. The petitioners being juveniles in conflict with the law, certainly some leniency should be shown in their favour, in the matter of bail. In view of Section 12 of the Juvenile Justice Act, ordinarily, the Juvenile Justice Board is under an obligation to release the juvenile on bail with or without surety. However, there is no inflexible law that the child in conflict with law should be released on bail invariably in all cases. At this juncture, it is worthwhile to refer to Section 12 of JJ Act, which is the provision dealing with the granting of bail to a child in conflict with law.

"12. Bail to a person who is apparently a child alleged to be in conflict with law. – (1) When any person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or



under the care of any fit person:

Provided that such person shall not be so released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the person's release would defeat the ends of justice, and the Board shall record the reasons for denying the bail and circumstances that led to such a decision.

(2) When such person having been apprehended is not released on bail under sub-section(1) by the officer-in-charge of the police station, such officer shall cause the person to be kept only in an observation home [or a place of safety, as the case may be] in such manner as may be prescribed until the person can be brought before a Board.

(3) When such person is not released on bail under the sub-section (1) by the Board, it shall make an order sending him to an observation home or a place of safety, as the case may be, for such period during the pendency of the inquiry regarding the person, as may be specified in the order.

(4) When a child in conflict with law is unable to fulfil the conditions of bail order within seven days of the bail order, such child shall be produced before the Board for modification of the conditions of bail."

A bare reading of the above-said provision makes it clear that the legislature's intention is to release the juvenile in conflict with the law on bail irrespective of the nature or gravity of the offence. However, the proviso to Section 12 of Juvenile Justice Act imposes certain



restrictions in granting bail to a juvenile. It states that bail can be declined if there are reasonable grounds to believe that the release is likely to bring the juvenile into association with any known criminals, or exposing to moral, physical, or psychological danger, or that release would defeat the ends of justice. In short, a conjoint reading of Section 12(1) and its proviso clearly indicates that there is no absolute or indefeasible right for a juvenile in conflict with law to be released on bail invariably in all cases. But bail can be rightly declined when any of the eventualities mentioned in the proviso to Section 12 are likely to occur.

8. Reverting to the case at hand, it can be seen that the juvenile Justice Board as well as the learned Sessions Judge declined bail to the petitioners mainly on the finding that the incident alleged in this case is a sensitive issue in the locality and if the petitioners are released on bail they will be exposed to not only to physical danger but also to psychological and moral danger. However, relying on several decisions of the various High Courts, the learned counsel for the petitioner would submit that the court should not indulge in guess work to determine whether the petitioners' life and safety would be in danger



if released on bail, but rather, there must be convincing materials to substantiate the same. While considering the said contention it is to be noted that from the objection filed by the Public Prosecutor and from the submission made by him, it can be seen that after the incident in this case, the Headmaster of the School where the juveniles were studying received an anonymous call threatening that the juveniles in conflict with law will be killed and on the complaint filed by the Headmaster of the said School a case has been registered as crime No.198/2025 alleging offences punishable under Sections 192, 351(3), 351(4) of BNS on 06.03.2025. Therefore, this Court is of the view that there is some basis for the prosecution's apprehension that if the children in conflict with law are released on bail, there is a threat to their safety. The release of the petitioners on bail will apparently expose them to physical as well as psychological danger. The said fact cannot be brushed aside while considering these petitions. Moreover, in the present case, a minor boy aged 15 years was murdered. It is noteworthy that the Juvenile Justice Act aims not only to take care of children in conflict with law, but also to address the needs and welfare of all juveniles. This objective must be balanced with the need to



B.A. No.5636/2025, 5648/2025,
5652/2025, 5657/2025

16

2025:KER:33046

ensure justice for victims and the broader societal concerns. Therefore, justice to the victims and concern of society at large also could not be undermined. As such, Section 12 of the Act cannot be interpreted in a manner so as to give advantage to only juveniles in conflict with law, ignoring the concern of society, especially when a serious offence like murder is alleged against a juvenile. As already stated, in the event of releasing the petitioners on bail, there is every likelihood of exposing them to moral, physical, or psychological danger. Considering the above aspects, this Court is not inclined to release the petitioners on bail.

Resultantly, all the petitions stand dismissed.

Sd/-
JOBIN SEBASTIAN
JUDGE

ncd



B.A. No.5636/2025, 5648/2025,
5652/2025, 5657/2025

17

2025:KER:33046

APPENDIX OF BAIL APPL. 5636/2025

PETITIONER ANNEXURES

- | | |
|-------------|---|
| Annexure A1 | A TRUE COPY OF THE ORDER DATED 1-3-2025 IN
CMP NO. 31 OF 2025 IN CRIME NO 182 OF 2025 OF
THAMARASSERY POLICE STATION PASSED BY THE
JUVENILE JUSTICE BOARD, KOZHIKODE |
| Annexure A2 | A TRUE COPY OF THE COMMON ORDER DATED
11.4.2025 IN CMC NO. 418 OF 2025 AND
CONNECTED CASES PASSED BY THE SESSIONS COURT,
KOZHIKODE DIVISION |



B.A. No.5636/2025, 5648/2025,
5652/2025, 5657/2025

18

2025:KER:33046

APPENDIX OF BAIL APPL. 5648/2025

PETITIONER ANNEXURES

- Annexure A1 A TRUE COPY OF THE ORDER IN CMP NO. 31 OF
2025 DATED 1-3-2025 IN CRIME NO 182 OF 2025
OF THAMARASSERY POLICE STATION PASSED BY THE
JUVENILE JUSTICE BOARD, KOZHIKODE
- Annexure A2 A TRUE COPY OF THE COMMON ORDER DATED
11.4.2025 IN CMC NO. 419 OF 2025 AND
CONNECTED CASES PASSED BY THE SESSIONS COURT,
KOZHIKODE DIVISION

RESPONDENT ANNEXURES

- Annexure R3 (b) TRUE COPY OF THE GROUP PHOTO OF THE CCL'S



B.A. No.5636/2025, 5648/2025,
5652/2025, 5657/2025

19

2025:KER:33046

APPENDIX OF BAIL APPL. 5652/2025

PETITIONER ANNEXURES

Annexure A1

A TRUE COPY OF THE ORDER DATED 4-3-2025 IN
CMP NO. 33 OF 2025 IN CRIME NO 182 OF 2025 OF
THAMARASSERY POLICE STATION PASSED BY THE
JUVENILE JUSTICE BOARD, KOZHIKODE

Annexure A2

A TRUE COPY OF THE COMMON ORDER DATED
11.4.2025 IN CMC NO. 429 OF 2025 AND
CONNECTED CASES PASSED BY THE SESSIONS COURT,
KOZHIKODE DIVISION



B.A. No.5636/2025, 5648/2025,
5652/2025, 5657/2025

20

2025:KER:33046

APPENDIX OF BAIL APPL. 5657/2025

PETITIONER ANNEXURES

Annexure A1

TRUE COPY OF THE ORDER DATED 1-3-2025 IN CMP
NO. 31 OF 2025 IN CRIME NO 182 OF 2025 OF
THAMARASSERY POLICE STATION PASSED BY THE
JUVENILE JUSTICE BOARD, KOZHIKODE

Annexure A2

TRUE COPY OF THE COMMON ORDER DATED 11.4.2025
IN CMC NO. 420 OF 2025 AND CONNECTED CASES
PASSED BY THE SESSIONS COURT, KOZHIKODE
DIVISION