



2025:KER:79814

BAIL APPL. NO. 12604 OF 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K. BABU

SATURDAY, THE 25TH DAY OF OCTOBER 2025 / 3RD KARTHIKA, 1947

BAIL APPL. NO. 12604 OF 2025

CRIME NO.613/2023 OF Vadakara Police Station, Kozhikode

PETITIONER(S)/ACCUSED NO.2:

MOOSA THIRUVANGOTH

AGED 56 YEARS

S/O MOIDU HAJI ELATHVALIYA, PARAMBATH HOUSE,

PONMERIPARAMBIL P.O., AYANCHERY,

KOZHIKODE DISTRICT., PIN - 673542

BY ADV SRI.ZUBAIR PULIKKOOL

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA

REPRESENTED BY PUBLIC PROSECUTOR,

HIGH COURT OF KERALA. ERNAKULAM., PIN - 682031

BY ADV. G. SUDHEER - PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
25.10.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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ORDER

This is an application seeking anticipatory bail filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. The petitioner has approached this Court directly for pre-arrest bail, without first approaching the Sessions Court for the said relief. The petitioner has not pleaded any exceptional circumstances that prevented him from approaching the Sessions Court concerned. In ***Mohammed Rasal C v. State of Kerala*** [Spl Leave to Appeal (Crl) No.6588/2025], the Hon'ble Apex Court has observed that though concurrent jurisdiction is conferred upon the Sessions Court and the High Court, the hierarchy of Court demands that no person seeking remedy under Section 482 of BNSS should be encouraged to directly approach the High Court. The observation of the Hon'ble Apex Court is extracted below:-

"6. We find that in this case, the petitioners had approached the High Court directly for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short,



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'BNSS'),, without first approaching the Sessions Court for the said relief. We are of the opinion that though the concurrent jurisdiction is conferred upon the Sessions Court and the High Court to entertain a prayer for pre-arrest bail under Section 482 of the BNSS (formerly, Section 438 CrPC), the hierarchy of Courts demands that no person seeking such remedy should be encouraged or allowed to directly approach the High Court for exercising jurisdiction under Section 482 of the BNSS (formerly, Section 438 CrPC) by bypassing the jurisdiction of the concerned Sessions Court."

3. In view of the fact that the petitioner has not placed any exceptional circumstances justifying him to directly approach this Court under Section 482 of the BNSS, the bail application stands rejected.

However, the petitioner is granted protection from arrest for a period of two weeks from this day for facilitating him to approach the Sessions Court concerned.

**Sd/-
K. BABU
JUDGE**

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APPENDIX OF BAIL APPL. 12604/2025

PETITIONER ANNEXURES

Annexure 1 THE TRUE COPY OF THE F.I.R. IN CRIME
NO. 613/2023 OF BADAGARA POLICE
STATION-KOZHIKODE DISTRICT DATED
28.06.2023.