

**IN THE COURT OF JUDICIAL MAGISTRATE OF THE FIRST
CLASS – I KOCHI**

**Present: Sri.Kannan.L, Judicial First Class Magistrate – I,
Kochi**

Dated the 10th day of March, 2026

**C.M.P. No: 1/2026 and CMP 2/2026 in Cr. No. 78/2026 of
Harbour P.S.**

Petitioner/ Accused	: A1. Sankar C.G., aged 39 years, S/o Chandramohana Kurukkal, Sreekrishna Mandiram, SK Nagar, Asramam P.O., Kollam, Now residing at Opp. Police Quarters, Kunnukuzhi Ward, PMG, Thiruvananthapuram A2. Mani S, aged 38 years, S/o Subbaya, Njarakkal Veedu, Manakkala P.O., Adoor, Pathanamthitta, Now residing at Krishnamrutham, Amrutha Nagar, Pappanamkodu, Karamana P.S. Limit, Thiruvananthapuram (By Adv. Luke J Chirayil, Adv. Geo Paul, Adv. Zainudeen P, Adv. A.R. Thejas Krishna and Adv. Neha Ramakrishnan)
C.M.P. No: 2/2026 in Cr. No. 78/2026 of Harbour P.S.	
Petitioner/ Accused	A3. Vijayakumar P, aged 57 years, S/o Podiyan, Vijaya Bhavanam, Komana, Ambalapuzha, Alappuzha (By Adv. Jacob Victor)
Counter Petitioner	: State of Kerala represented by the Sub Inspector of Police, Harbour Police Station in Cr.No. 78/2026. (By Learned Assistant Public Prosecutor, JFCM I, Kochi)
Offences	: U/s 329(b), 3(5) of BNS, Sec 3(1)(a) & 5 of The Official Secrets Act
Order	: Allowed

This CMP having been heard on the 10th day of March, 2026,
the court on the same day delivered the following:-

COMMON ORDER

These are applications for bail filed by accused nos. 1 to 3 in this case, under section 480 of BNSS. CMP No.1 of 2026 is preferred by accused nos. 1 and 2. CMP No.2 of 2026 is preferred by accused no. 3.

2. The allegations of the prosecution in brief are as follows. On 07.03.2026 at about 07.50 a.m. the accused, had trespassed into the southern Coil berth, which is a high security zone of Cochin port and took photographs and videos of a warship belonging to Iran, which was docked there as per the decision of the Government of India and attempted to transmit the same. Thereby committing the offences punishable under Section 329(b) and 3(5) of BNS and Section 3(1) and 5 of the Official Secrets Act, 1923.

3. Accused nos. 1 and 2 are journalists belonging to Republic TV, and the third accused is the driver of the boat who took them there. They were arrested and produced on 07.03.2026 and were remanded to judicial custody.

4. The averments in CMP No. 1 of 2026 are as follows. The allegations in the FIR are wholly misconceived and exaggerated. The petitioners are professional journalists associated with Republic TV and were present at the scene in connection with their professional

commitments. They had no intention to compromise national security or to obtain or communicate any confidential information. The registration of the crime appears to be made in a haste, without proper appreciation of the circumstances. They are unnecessarily implicated. They have no criminal antecedents and have deep roots in society. They are ready and willing to cooperate with the investigation. The entire case of the prosecution is based on electronic materials such as photographs, videos and digital devices, which are already seized and no further custodial interrogation is required. The maximum sentence provided under Section 3 of the Official Secrets Act, 1923 is not applicable in this case. Their arrest was without reasons. The continued detention of the petitioners amounts to unnecessary infringement of their fundamental right.

5. The averments in CMP No. 2 of 2026 are as follows. The petitioner is wrongly implicated. He is a licensed speedboat operator by profession and earns his livelihood in that manner. On the day of the alleged incident, he had been engaged by accused no. 1 and accused no. 2 merely to navigate the speedboat which was used for professional purposes. He had no role whatsoever in the activities of other accused. He had no knowledge about the activities which were about to be carried out by others. He is a law abiding citizen aged 57 years who has been earning his livelihood through lawful means. The custodial detention of the petitioner

is wholly unnecessary for the purpose of investigation. The case is primarily based on electronic evidence which is already in the custody of the Investigating Agency. His arrest is unjustified and his personal liberty is at stake.

6. Copy of the bail application was served to the prosecution. The grant of bail is objected to.

7. The learned counsel for the petitioners had reiterated their contentions in their bail application. According to them the entire prosecution is out of a misunderstanding and things are now being blown out of proportion. It was further pointed out that the news of an Iranian warship being docked at the Cochin port was aired by the entire news channels prior to the alleged incident. Even if the entire prosecution allegations are taken for granted, the alleged offences will not attract.

8. The learned Assistant Public Prosecutor had vehemently opposed this bail application. According to him, the offences now alleged against the petitioners are very much attracted. The allegations are very serious in nature and bail cannot be granted to the petitioners at this stage, considering the preliminary stage of investigation.

9. The allegations levelled against the petitioners are, without a doubt, serious in nature. However, it should be noted that the investigation

in this case had already progressed much. The specific allegation of the prosecution is of taking photographs and videos of a warship and attempting to publish the same. In the remand report it is specifically mentioned that at the time of apprehension of petitioners itself the equipments used were seized. Further, it is stated that the scene of occurrence was already pointed out by the informant and the scene mahasar was prepared. As already stated, considering the nature of allegations, a major portion of investigation is already over. It is to be noted that the petitioners are having no antecedents. The petitioners are journalists and a speedboat operator and considering those aspects, the chance of them absconding are bleak. Further, the material witnesses are the members of Coast Guard, so the chance of petitioners influencing or threatening them are also bleak. The apprehensions raised by the prosecution can be taken care of by imposing sufficient conditions. I am of the view that the petitioners can be granted bail imposing stringent conditions.

10. In the result the petitioners are granted bail on executing a bond for ₹ 1,00,000 with two solvent sureties each for the like sum subject to the following conditions.

1. They shall not commit similar offences.
2. They shall not leave the District of Ernakulam for a period of 2

months from the date of their release.

3. They shall appear before the Investigating Officer on all Sundays, also for a period of 60 days from the date of their release.
4. They shall not make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts to the court or to the police or tamper with evidence.

Pronounced in open court, the 10th day of March, 2026.

Sd/-

Judicial Magistrate of the First Class – I, Kochi