



2026:KER:62348

CRL.MC NO. 5345 OF 2026

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

THURSDAY, THE 13TH DAY OF AUGUST 2026 / 22ND SRAVANA, 1948

CRL.MC NO. 5345 OF 2026

CRIME NO.762/2026 OF Museum Police Station,

Thiruvananthapuram

AGAINST THE ORDER DATED 24.06.2026 IN BA NO.1952 OF
2026 OF DISTRICT COURT & SESSIONS COURT/ RENT CONTROL
APPELLATE AUTHORITY, THIRUVANANTHAPURAM

PETITIONERS/COUNTER PETITIONER:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF
KERALA., PIN - 682031
- 2 STATION HOUSE OFFICER
MUSEUM POLICE STATION, THIRUVANANTHAPURAM, PIN -
695033

BY ADVS.
PUBLIC PROSECUTOR
DIRECTOR GENERAL OF PROSECUTION

RESPONDENTS/APPLICANT/ACCUSED NO.9 AND THE FORMER PUBLIC
PROSECUTOR WHO HANDLED THE CASE:

- 1 HARISHKUMAR
AGED 47 YEARS



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S/O. CHANDRAN NAIR, PUNARTHAM HOUSE, MADHU MUKKU,
KADAKAMPALLY, THIRUVANANTHAPURAM., PIN - 695029

2 DR. T. GEENAKUMARY
FORMER DISTRICT GOVERNMENT PLEADER AND PUBLIC
PROSECUTOR, THE COURT OF THE SESSIONS JUDGE,
THIRUVANANTHAPURAM, RESIDING AT SARAYOO
PATHIRIPALLI, KUDAPPANAKKUNNU P.O.
THIRUVANANTHAPURAM., PIN - 695043

BY ADVS.
SRI.MANU V.
SHRI.P.G.PRAMOD
SRI.P.NARAYANAN
SRI.K.GOPALAKRISHNA KURUP (SR.)

SPECIAL PP SRI. RASHEED

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13.08.2026, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:



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ORDER**Dated this the 13th day of August, 2026**

Aggrieved by Annexure A3 order passed by the Court of Session, Thiruvananthapuram ('bail court', in short) in B.A. No. 1952/2026, enlarging the 9th accused on bail in Crime No.762/2026 registered by the Museum Police Station, Thiruvananthapuram, the State has filed this Criminal Miscellaneous Case.

2. The contention of the State is that, the above crime was registered against the accused persons alleging the commission of the offences punishable under Sections 189(2), 191(2), 191(3), 126(2), 296(b), 132, 121(1), 118(1) and 109 r/w Section 190 of the Bharatiya Nyaya Sanhita, and Section 3(1) of the Prevention of Damage to Public Property Act, 1984.

3. The 1st respondent had filed the above bail application before the bail court. Though the application was opposed by the petitioner, by the impugned



Annexure A3 order, the bail court allowed the application enlarging the 1st respondent on bail. The order happened to be passed due a misrepresentation made by the 2nd respondent, the then Public Prosecutor. The bail court ought not to have allowed the application, as the 1st respondent has committed a serious crime. Furthermore, the 1st respondent has perpetrated fraud on the bail court in connivance with the 2nd respondent. Hence, Annexure A3 order may be set aside.

4. The crux of the prosecution allegation is that, on 27.05.2026, the de facto complainant, the Assistant Director of Enforcement Directorate, Enforcement Office, Kochi, along with his fellow officials had conducted a search in the residence of the leader of Opposition. Then, the accused persons, along with 300 identifiable persons, formed themselves into an unlawful assembly, armed with deadly weapons and in prosecution of their common object, assembled in front of the above



residence. While the enforcement officials were leaving the premises, the accused persons uttered obscene words at them and exhorted to murder the officials. They beat the officials with a stick and threw stones at the vehicles, and caused a loss of Rs.3,00,000/-to Government property.

5. The 1st respondent has filed a counter affidavit, refuting the allegations in this petition.

6. I have heard the learned Special Public Prosecutor for the petitioner and the learned Senior Counsel appearing for the 1st respondent. This Court has dispensed with notice to the 2nd respondent.

7. It is an undisputed fact that, during the pendency of this petition, this Court had enlarged the accused Nos. 3,5, 6,7,8,13,14,22,24 in the present crime on bail by common order dated 03.08.2026 in B.A. No.4201/2026 and connected cases. As per condition Nos.(iv) and (v) of the above order, the said accused



persons were directed not to enter the jurisdictional limits of Sub Divisional Assistant Commissioner of Police, Cantonment Police Station, Thiruvananthapuram until further orders and to deposit Rs.10,000/- each before the jurisdictional court as per the principles laid down by this Court in **Hemachandran M.T. @ Kamlesh and Others v. Sub Inspector of Police and Another**[2011(4) KHC689].

8. In light of the above common order passed by this Court in favour of the other accused in the crime, I do not find any valid ground or necessity to interfere with Annexure A3 order passed by the bail court, while exercising its discretionary powers. Nonetheless, as the bail court has not incorporated a condition similar to condition No.(v) passed in the above common order, that the accused persons have to deposit Rs.10,000/- each, I am inclined to include the said condition in Annexure A3 order.



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In the aforesaid circumstances, I dispose of the Crl.M.C. by confirming Annexure A3 order, but with a rider that the 1st respondent shall deposit Rs.10,000/ before the jurisdictional Magistrate within a week from today, which will be subject to final decision to be passed in the case. Needless to mention that the 1st respondent shall comply with all the conditions imposed in Annexure A3 order.

Sd/-

C.S.DIAS, JUDGE



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APPENDIX OF CRL.MC NO. 5345 OF 2026

PETITIONER ANNEXURES

- Annexure A1** TRUE COPY OF THE FIR NO.762/2026 DATED 27.05.2026 OF MUSEUM POLICE STATION
- Annexure A2** TRUE COPY OF THE COMMON ORDER DATED 23.06.2026 IN CMP13/26, CMP18/26 AND CMP 17/2026 OF JUDICIAL I CLASS MAGISTRATE-III, THIRUVANANTHAPURAM.
- Annexure A3** TRUE COPY OF THE BAIL ORDER MADE IN BA.NO.1952/2026 DATED 24.06.2026 OF SESSIONS COURT, THIRUVANANTHAPURAM.
- Annexure A4** TRUE COPY OF THE REPORT DATED 18.06.2026 OF THE INVESTIGATION OFFICER

RESPONDENT ANNEXURES

- Annexure R1 (a)** A True copy of the Identity Card evidencing that the first respondent is the Senior Business Manager of Recognizia Technology Pvt. Ltd, Kanjikode, Palakkad, Kerala
- Annexure R1 (b)** A true photocopy of the judgment of this Honourable Court in WP(PIL)114/2026 dated 3/7/2026

PETITIONER ANNEXURES

- Annexure A5** TRUE COPY OF THE ORDER OF HON'BLE ADDITIONAL SESSIONS COURT, THIRUVANANTHAPURAM DATED 07.07.2026 IN BAIL APPLICATION NO.2010/2026
- Annexure A6** TRUE COPY OF THE ORDER OF HON'BLE ADDITIONAL SESSIONS COURT, THIRUVANANTHAPURAM DATED 07.07.2026 IN BAIL APPLICATION NO.2065/2026
- Annexure A7** TRUE COPY OF THE ORDER OF HON'BLE ADDITIONAL SESSIONS COURT, THIRUVANANTHAPURAM DATED 07.07.2026 IN BAIL APPLICATION NO.2048/2026
- Annexure A8** TRUE COPY OF THE ORDER OF HON'BLE ADDITIONAL SESSIONS COURT, THIRUVANANTHAPURAM DATED 07.07.2026 IN



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	BAIL APPLICATION NO. 2089/26
Annexure A9	TRUE COPY OF THE ORDER OF HON'BLE ADDITIONAL SESSIONS COURT, THIRUVANANTHAPURAM DATED 07.07.2026 IN BAIL APPLICATION NO.2130/2026
Annexure A10	TRUE COPY OF THE ORDER OF HON'BLE ADDITIONAL SESSIONS COURT, THIRUVANANTHAPURAM DATED 07.07.2026 IN BAIL APPLICATION NO.2131/2026
Annexure A11	TRUE COPY OF THE ORDER OF HON'BLE ADDITIONAL SESSIONS COURT, THIRUVANANTHAPURAM DATED 07.07.2026 IN BAIL APPLICATION NO.2139/2026
Annexure A12	TRUE COPY OF THE ORDER OF HON'BLE ADDITIONAL SESSIONS COURT, THIRUVANANTHAPURAM DATED 07.07.2026 IN BAIL APPLICATION NO. 2175/2026
Annexure A13	TRUE COPY OF THE ORDER OF HON'BLE ADDITIONAL SESSIONS COURT, THIRUVANANTHAPURAM DATED 07.07.2026 IN BAIL APPLICATION NO.2011/2026
Annexure A14	TRUE COPY OF THE ORDER OF HON'BLE ADDITIONAL SESSIONS COURT, THIRUVANANTHAPURAM DATED 06.07.2026 IN BAIL APPLICATION NO.2066/2026
Annexure A15 (a)	TRUE COPY OF THE WOUND CERTIFICATE DATED 27.05.2026 OF THE TAXI DRIVER SHYAMRAJ
Annexure A15 (b)	TRUE COPY OF THE WOUND CERTIFICATE DATED 27.05.2026 OF THE TAXI DRIVER SHYAMRAJ
Annexure A16	TRUE COPY OF THE WOUND CERTIFICATE DATED 27.05.2026 OF SAFAJ CPO 18840
Annexure A17	TRUE COPY OF THE WOUND CERTIFICATE DATED 27.05.2026 OF VIPIN CPO 19493
Annexure A18	TRUE COPY OF THE WOUND CERTIFICATE DATED 27.05.2026 OF JAYACHANDRAN, SI
Annexure A19	TRUE COPY OF THE WOUND CERTIFICATE DATED 27.05.2026 OF DIXON DAVIS ASSISTANT DIRECTOR, ENFORCEMENT DIRECTORATE, KOCHI.
Annexure A20	TRUE COPY OF THE PHOTOGRAPHS OF THE CRIME SCENE IN CRIME NO.762/2026 OF MUSEUM POLICE STATION