

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT**

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

Friday, the 21st day of August 2026 / 30th Sravana, 1948

CRL.M.APPL.NO.1/2026 IN CRL.A NO.1057 OF 2026

SC 231/2016 OF THE SESSIONS COURT, KALPETTA

APPLICANTS/APELLANTS:

1. M. GEETHANANDAN, AGED 72 YEARS, S/O.PANAYAN AMBU, PADANNA GARDEN, KANNUR (A1), PIN - 670001.
2. BINU, AGED 54 YEARS, S/O.SOMAN, CHAVADI VEDAN COLONY, KANJIRAMKULAM, NEYYATTINKARA, THIRUVANANTHAPURAM (A3), PIN - 695121.
3. REMASAN, AGED 53 YEARS, S/O.RAJANAKAM, KOYALIPURA PANIYA COLONY, NAIKETTY, THELAMBATTA, MOOLANKAVU P.O., SULTHANBATHERY (A5), PIN - 673592.
4. ANILKUMAR, AGED 48 YEARS, THIMMAN, CHUNTAPADY, NAIKAR COLONY, THIRUNELLI (A11), PIN - 670646.

RESPONDENTS/RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI, PIN - 682031.
2. DEPUTY SUPERINTENDENT OF POLICE CBI/SCB/ MAIN OFFICE IN CHENNAI, A WING, IIIRD FLOOR, RAJAJI BHAVAN, BESANT NAGAR, CHENNAI, PIN - 600090.

Application praying that in the circumstances stated therein the High Court be pleased to suspend the sentence in S.C.231/2016 in the court of Sessions Judge, Kalpetta, Wayanad, dated 31.07.2026 and to release the petitioners on bail.

This Application coming on for orders upon perusing the application and upon hearing the arguments of M/S.K.S.MADHUSOODANAN, M.M.VINOD KUMAR, P.K.RAKESH KUMAR, K.S.MIZVER, Advocates for the applicants and of the PUBLIC PROSECUTOR for the respondent, the court passed the following:

P.T.O.

Crl.A.No 1057 OF 2026**1****FRIDAY, THE 21ST DAY OF AUGUST 2026****Crl.M.Appl 1/2026 IN CRL.A No. 1057 of 2026****M. GEETHANANDAN & OTHERS****VS****STATE OF KERALA & ANOTHER****ADVS FOR APPELLANT/S:**

SHRI.K.S.MADHUSOODANAN, SRI.M.M.VINOD KUMAR, SRI.P.K.RAKESH
KUMAR, SRI.K.S.MIZVER

ADVS FOR RESPONDENT/S:

Crl.A.No 1057 OF 2026**2****A. BADHARUDEEN, J.****Crl.M.Appl. No. 1 of 2026 in
Crl.A.No.1057 OF 2026**Dated this the 21st day of August, 2026**ORDER**

This is an application filed by the petitioners/ appellants/accused to suspend the sentence and to grant bail to the petitioners/appellants/accused, where they were convicted for the offences punishable under Sections 143, 144, 145, 147, 148, 302, 307, 324, 332, 333, 341, 342, 353, 364, 365, 395, 447, 506 r/w Section 120(B) of IPC.

2. The sentence imposed by the Special Court are as follows:

“ 1. 'The convict Nos. 1, 3, 5 and 11, are sentenced to undergo Rigorous imprisonment for 5 (five) years and to pay a fine of Rs.10,000/- (Rupees ten thousand only) each u/s 307 r/w 120 8 of IPC. In default of payment of fine, each accused persons shall undergo Simple imprisonment for a period of 2 (two) months.

2. 'The convict Nos.1, 3, 5 and 11, are sentenced to undergo Rigorous imprisonment for 5 (five) years and to pay a fine of Rs.10,000/- (Rupees ten thousand only) each u/s 364 r/w 120 8 of IPC. In default of payment of fine, each accused persons shall undergo Simple imprisonment for a period of 2 (two) months.

3. 'The convict Nos.1, 3, 5 and 11, are sentenced to undergo rigorous imprisonment for 5 (five) years and to pay a fine of Rs.10,000/- each u/s.333 r/w 120 8 of IPC. In

Crl.A.No 1057 OF 2026**3**

default of payment of fine, each accused persons shall undergo Simple imprisonment for a period of 2 (two) months

4. *The convict Nos.1, 3, 5 and 11, are sentenced to undergo Rigorous imprisonment for 1 (one) year each u/s 332 r/w 120 8 of IPC.*

5. *The convict Nos.1, 3, 5 and 11, are sentenced to undergo Rigorous imprisonment for 1 (one) year each u/s 353 r/w 120 8 of IPC.*

6. *The convict Nos.1, 3, 5 and 11, are sentenced to undergo Simple Imprisonment for 1 (One) month each u/s 341 r/w 120 8 of IPC.*

7. *The convict Nos. 1, 3, 5 and 11, are sentenced to undergo Simple Imprisonment for 3 (Three) months each u/s 342 r/w 120 8 of IPC.*

8. *The convict Nos.1, 3, 5 and 11, are sentenced to undergo Rigorous Imprisonment for a period of 1 (one) year each u/s 324 r/w 120 8 of IPC.*

9. *The convict Nos.1, 3, 5 and 11, are sentenced to undergo Rigorous Imprisonment for 1 (one) year each u/s 506 r/w 120 8 of IPC.*

10. *The convict Nos.1, 3, 5 and 11, are sentenced to undergo Simple Imprisonment for 1 (one) month each u/s.447 r/w 120 8 of IPC.*

11. *The convict Nos.1, 3, 5 and 11, are sentenced to undergo Simple Imprisonment for 2 (two) months each u/s 143 r/w 120 B of IPC.*

12. *The convict Nos.1, 3, 5 and 11, are sentence to pay a fine of Rs.3,000/- each u/s 144 r/w 120 8 of IPC. In default of payment of fine, each accused persons shall undergo Simple imprisonment for a period of 1 (One) month.*

13. *The convict Nos. 1, 3, 5 and 11, are sentenced to pay a fine of Rs.3,000/- each u/s 145 r/w 120B of IPC. In*

Crl.A.No 1057 OF 2026**4**

default of payment of fine, each accused persons shall undergo Simple imprisonment for a period of 1 (One) month.

14. The convict Nos. 1, 3, 5 and 11, are sentenced to pay a fine of Rs.3,000/- each u/s 147 r/w 120 B of IPC. In default of payment of fine, each accused persons shall undergo Simple imprisonment for a period of 1 (One) month. 15. 'The convict Nos.1, 3, 5 and 11, are sentenced to to pay a fine of Rs.3,000/- each u/s 148 r/w 120 8 of IPC. In default of payment of fine, each accused persons shall undergo Simple imprisonment for a period of 1 (One) month.

16. Substantive terms of imprisonment (not for the default of fine) shall run concurrently under Section 31 of Cr.P.C. (Section 25 BNSS).

17. The period of detention shall be set off against the sentence of imprisonment provided under Section 428 of Cr.P.C (479 of BNSS).

18. The fine amount if collected or realized, shall be paid equally to PW-29, PW-30 and the legal heir of deceased Vinod (PC 4407) u/s 357(1) of Cr.P.C (u/s 395 (1) of BNSS).

19. The accused persons A1, A3, A5 and All are acquitted for the offences punishable under sections 365 and 395 r/w 120 8 of the IPC, under Section 235(1) of Criminal Procedure Code (258 of BNSS).

20. The accused persons A4, A6, A7, A9, A10, A12 to A14, A16 to A18, A20 to A22 acquitted for the offences punishable under sections 143, 144, 145, 147, 148, 447, 364, 341, 342, 332, 333, 353, 506, 324, 365, 395, 307 and 302 r/w 120 8 of the IPC, under Section 235(1) of Criminal Procedure Code (258 of BNSS). The bail bonds executed by the accused persons shall stand cancelled, and they are set at liberty.

21. The accused persons A23 to A 25, A27, A29 to A32, A34 to A37, A39 to A41, A43, A47, A49, A53 to A 57 are acquitted for the offences u/ss. 143, 144, 145, 147, 148, 447 r/w 120 8 of IPC, under section 235(1) of Criminal Procedure Code (258 of BNSS). Their bail bonds shall stand cancelled and they are set at Liberty.”

3. Heard the learned counsel for the petitioners/appellants/accused as well as the learned Public Prosecutor. The learned counsel for the appellants submitted that the learned Sessions Judge not conclusively found commission of the offences and the learned Sessions Judge only prima facie found the offences. In this regard, paragraph No.247 of the judgment impugned is pointed out by the learned counsel for the appellants. The learned Standing Counsel for the CBI would submit that CBI also is filing appeal in this matter to address the flaws in the judgment. In this regard the interim order dated 06.08.2026 passed by this Court is extracted as under:

“There is no representation for the 2nd respondent, CBI.

2. The learned Public Prosecutor takes notice for the 1st respondent.

3. The learned Public Prosecutor is directed to inform Adv. Sreelal N. Warriar regarding this appeal. Since it is submitted by the learned counsel for the appellants that the appellants were convicted only with the aid of Section 120B of the IPC, that too, on a finding that Section 120B of the IPC was prima facie attracted, the learned

Sessions Judge is directed to forward a copy of the court charge framed in this case for the perusal of this Court.

4. It is true that in paragraph No. 247, the learned Sessions Judge found that "the offence under Section 120B of the Indian Penal Code is prima facie attracted against the accused persons A1, A2, A3, A5 and A11 alone".

5. On pointing out the above portion, the learned counsel for the appellants argued that prima facie finding is not sufficient to enter into conviction in the place of conclusive proof of the allegations. This argument would require consideration.

Post along with the court charge on 11.08.2026 for admission, hearing and for hearing in Crl.M.A.No.1 of 2026."

4. Going through the judgment and the period of sentence imposed, at par with the arguments advanced pointing out the innocence of the appellants, the appellants have an arguable case. Since it is submitted by the learned Public Prosecutor that the appellants have criminal antecedents, there is no reason to disallow the application and therefore, the petition to suspend the sentence is allowed on the following conditions:

- i) The petitioners/appellants/accused shall deposit entire fine amount imposed by the Special Court at first.
- ii) The petitioners/appellants/accused, after deposit of the amount, shall execute bail bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each to the

Crl.A.No 1057 OF 2026**7**

satisfaction of the Special Court, within a further period of one week.

iii) The petitioners/appellants/accused shall not involve in any other crimes and any such involvement if reported or came to the knowledge of this Court, the same is a reason to cancel this order/suspending sentence and consequential cancellation of bail hereby granted.

It is made clear that bail bond shall not be allowed to be executed and the petitioners/appellants to be released on bail, without depositing the entire fine amount imposed by the Special Court.



**Sd/-A.BADHARUDEEN,
JUDGE**

lsn