

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN
&
THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA

Friday, the 5th day of December 2025 / 14th Agrahayana, 1947
WP(CRL.) NO. 1035 OF 2025(S)

PETITIONER:

ART BANK, REP. BY ITS MANAGING DIRECTOR, ABDUL MUTHALIF M.A.,
AGED 55 YEARS, S/O.ABOOBACKER, 128, FLANNIGO SFS GREENS,
CHENGAMANAD P.O., CHENGAMANAD VILLAGE, ERNAKULAM DISTRICT,
PIN - 683102.

RESPONDENTS:

1. STATE POLICE CHIEF OF KERALA, POLICE HEAD QUARTERS, VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN - 695010
2. STATION HOUSE OFFICER, KALAMASSERY POLICE STATION, ERNAKULAM, PIN - 682033
3. THE DISTRICT MEDICAL OFFICER, DISTRICT HOSPITAL, ERNAKULAM DISTRICT, PIN - 682031
4. STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
5. JOINT SECRETARY, HEALTH & FAMILY WELFARE DEPARTMENT AND APPROPRIATE AUTHORITY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
ADDITIONAL R6 IMPEADED
6. SHANTHI BHAVAN, KAMMATTI PADAM, ERNAKULAM SOUTH, PIN - 682 011.
*ADDL.R6 IS SUO MOTU IMPEADED AS PER ORDER DATED 07/08/2025 IN WP(CRL.) 1035/2025

Writ petition (criminal) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(Crl.) the High Court be pleased to direct the respondents 1 to 3 to produce the detainees before this Hon'ble Court and this Hon'ble Court may kindly be please to set them free as an interim measure pending disposal of this Writ Petition (Crl).

This petition again coming on for admission upon perusing the petition and the affidavit filed in support of WP(Crl.), this Court's orders dated 29/09/2025, 17/10/2025 & 07/11/2025 and upon hearing the arguments of SRI. GIKKU JACOB, Advocate for the petitioner, DIRECTOR GENERAL OF PROSECUTION & PUBLIC PROSECUTOR for R1 to R5 and of M/S. FERHA AZEEZ, SREERAG SHYLAN & DEVANANDA S., Advocates for Addl.R6, the court passed the following:

DEVAN RAMACHANDRAN & M.B. SNEHALATHA, JJ.

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Dated this the 05th day of December, 2025

ORDER

Devan Ramachandran,J.

The learned Government Pleader has made available a report of the Station House Officer, Kalamassery Police Station. The report says that the appropriate authority has filed a complaint before the Judicial First Class Magistrate Court, Kalamassery; but that further investigation has not been commenced, awaiting orders. It further says that from the available investigation conducted, various unlawful activities like online advertisements offering remuneration; inducing victims for egg donation and surrogacy etc, have been detected – through which victims have been lured.

2. Our order of 29.09.2025, along with the one dated 17.10.2025, clearly prepares the ground for the investigating officers.

3. We have little doubt that the investigation must be conducted strongly and that the Police and the authorities need not wait for orders from the Judicial Magistrate of the First Class for such purpose, except with respect to the aspects that have

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been impelled before it.

4. We are, therefore, of the view that a special investigation team should be now constituted so that all aspects can be properly considered.

5. We direct the learned Government Pleader to obtain specific instructions from the State Police Chief in this regard and inform us on the next posting date.

List on 10.12.2025.



**Sd/-
DEVAN RAMACHANDRAN,
JUDGE**

**Sd/-
M.B. SNEHALATHA,
JUDGE**

Mms
H/o