



2025:KER:87274

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

THURSDAY, THE 13TH DAY OF NOVEMBER 2025 / 22ND KARTHIKA, 1947

WP(CRL.) NO. 1183 OF 2025

CRIME NO.733/2025 OF CBCID, ERNAKULAM,

PETITIONER/ACCUSED:

K.N. ANAND KUMAR
AGED 70 YEARS, S/O T.D. NANDAPPAN PILLAI
TC 9/1108 AJITH BUILDINGS
SASTHAMANGALAM P.O., SASTHAMANGALAM VILLAGE
THIRUVANANTHAPURAM, PIN - 695010

BY ADVS.
SRI.S.RAJEEV
SRI.RAAJESH S.SUBRAHMANIAN

RESPONDENTS/STATE/COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PRINCIPAL SECRETARY
GOVERNMENT OF KERALA, PIN - 682031
- 2 STATE POLICE CHIEF
POLICE HEADQUARTERS,
THIRUVANANTHAPURAM, PIN - 695010
- 3 ADGP, CRIME BRANCH
POLICE HEADQUARTERS,
THIRUVANANTHAPURAM, PIN - 695010
- 4 SUPERINTENDENT OF POLICE
CRIME BRANCH CENTRAL UNIT II, ERNAKULAM
TRIPUNITHURA, ERNAKULAM, PIN - 682031

BY SRI.P.NARAYANAN, SPL.GOV'T. PLEADER



THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
13.11.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



BECHU KURIAN THOMAS, J.

W.P.(Crl.) No.1183 of 2025

Dated this the 13th day of November, 2025

JUDGMENT

Petitioner primarily seeks for a direction to permit him to execute a single bond for all crimes registered in the State of Kerala in which he has been granted bail. Though the petitioner has also sought for a direction to record his arrest, in crimes already registered, within a time period to be fixed, the said relief was not pressed during the course of arguments.

2. Petitioner is the accused in more than 1200 cases, all registered in different Police Stations spread over the entire State. He has been granted bail in 738 cases in which his arrest was recorded. Despite bail having been granted by this Court, petitioner is aggrieved by the conditions imposed in all the bail orders which mandates execution of a bail bond with two solvent sureties to the satisfaction of the Court having jurisdiction. According to the petitioner, the said condition has turned out to be too onerous for compliance and he continues to be in custody.

3. A statement has been filed on behalf of the Investigating Officer wherein it is pointed out that a total of 1343 cases have been registered



against the petitioner, at various Police Stations all over Kerala, out of which, 1297 cases have been transferred to the Crime Branch for investigation. It is also stated that the first case registered in respect of the scam allegedly committed by the accused was within the jurisdiction of Muvattupuzha Police Station as Crime No.119 of 2025. The complainant in that crime alleged that the accused had committed criminal breach of trust on the members of a society called Socio-Economic Environmental Development Society (for short 'SEED') by promising to deliver various articles at half the price, by utilising CSR (Corporate Social Responsibility) funds and funds from various Non Governmental Organisations. It was further stated that petitioner is the second accused in that crime and he is alleged to have incorporated a condition in the Trust Deed regarding the concept of CSR funds. The statement of the fourth respondent also indicates that the petitioner was arrested on 11.02.2025 and he has been continuing as a remand prisoner at the Central Prison and he has been arrayed as one of the accused in all cases registered all over the State. The fourth respondent also plead that the bail bonds are executed for ensuring the presence of the accused for the purpose of investigation and trial and if the reliefs sought for by the petitioner is granted, it may not be possible to take any remedial measures by forfeiting the bonds, unless it is executed before the appropriate jurisdictional Court.



4. I have heard Sri.S.Rajeev, the learned counsel for the petitioner and Sri.P.Narayanan, the learned Special Government Pleader.

5. As noted in the introductory paragraph, the learned counsel for the petitioner at the outset itself submitted that he is not pressing relief No.1 in the writ petition and confined his prayer only to relief No.2 in the writ petition.

6. The petitioner has been granted bail in numerous cases. Ext.P3 is the order dated 23.06.2025 in B.A. No.7630 of 2025. Despite bail having been granted in similar matters as well and no further cases remain where bail has not been granted, petitioner continues to remain in custody for the failure to arrange the sureties and execute bail bonds. In most of the orders granting bail, this Court has permitted the same sureties to stand as security on behalf of the petitioner. It is despite the said direction that the petitioner has not been able to obtain release from custody. No doubt, a peculiar situation has arisen in the instant case.

7. In **Girish Gandhi v. State of Uttar Pradesh and Others** [(2024) 10 SCC 674], the Supreme Court reiterated that excessive bail is no bail and imposing excessive and onerous conditions is to take away with the left hand, what is given with the right. It was further noted that what is excessive will depend upon the facts and circumstances of each case. The Court went on to hold that sureties are essential to ensure the



presence of the accused, released on bail. At the same time, when the court is faced with a situation where the accused enlarged on bail is unable to find sureties as ordered, that too in multiple cases, there is a need to balance the requirement of furnishing the sureties with his or her fundamental rights under Article 21 of the Constitution of India. The Court observed that an order which would protect the person's fundamental right under Article 21 and at the same time guarantee his presence, would be reasonable and proportionate. The Court held that as to what such an order should be, will again depend on the facts and circumstances of each case. After making the above observations, the Supreme Court directed that for the FIR's pending in each of the different States wherein the petitioner therein was facing a prosecution, two sureties were permitted to execute a bond which was directed to hold good for all FIRs in the State concerned and the same set of sureties were permitted to stand as sureties in all the other States, which was found to meet the ends of justice and proportionate and reasonable.

8. In **Satender Kumar Antil v. CBI and Another** (2022) 10 SCC 51, which was referred to in **Girish Gandhi's** case (supra), Supreme Court had observed that imposing a condition which is impossible of compliance would be defeating the very object of release.

9. The Delhi High Court had, in **Manoj Kumar v. State of NCT of**



Delhi [2025:DHC:6808] directed a consolidated bond to be executed through the same sureties in respect of 21 separate crimes pending against the petitioner therein, taking note of the fact that the accused could not obtain release from custody despite obtaining bail. The said decision relied upon a judgment of the High Court of Punjab and Haryana as well, which had also dealt with a similar situation.

10. The petitioner is alleged to have, along with other accused, cheated numerous persons. As many as 1343 crimes are registered against the petitioner and he has been arrested in most of those cases and no further arrest is required, as submitted by the learned Public Prosecutor. In all cases where he has been arrested, he has obtained bail. However, he continues to languish in jail. The liberty granted to him through various bail orders remains illusory. The separate bail bonds liable to be executed by the sureties require them to travel to various Magistrate Courts all over the State.

11. The requirement of executing bail bonds is to ensure that the sureties are bound by the bond to produce the accused in case he fails to appear and if they are unable to produce the accused, they can be proceeded against to the extent of the bail bond executed by them and be penalised for their failure to produce the accused. Strictly speaking, the consequence of granting bail to an accused is not to release from the custody of law but to entrust him with the sureties who bind themselves



to produce the accused as and when required by the Court. The sureties can, at any time they please, seek discharge and in such circumstance, if the accused fails to furnish fresh sureties, he can be remanded to custody again. Thus, a surety gives the requisite assurance to the Court that the person on bail would be produced as and when required by the Court for facing trial or for undergoing the sentence awarded.

12. In **Sunil Fulchand Shah v. Union of India and Others** [(2000) 3 SCC 409] it has been observed that "*The effect of granting bail is to release the accused from internment though the court would still retain constructive control over him through the sureties. In case the accused is released on his own bond such constructive control could still be exercised through the conditions of the bond secured from him.*" Reference to the decision in **Ash Mohammad v. Shiv Raj Singh and Another** [(2012) 9 SCC 446] is also relevant in this context.

13. Sections 484 to 496 of BNSS deals with bonds and sureties. Section 484 of BNSS stipulates that the amount of every bond shall be fixed with due regard to the circumstances of the case and shall not be excessive and the High Court or the Sessions Court can even direct that the bail required by the Magistrate or the police officer be reduced. Section 485 of BNSS provides that before any person is released on bond or bail bond, a bond for such sum of money as is felt sufficient by the Magistrate or the police officer be executed. Further, under section 490



of BNSS, when a bond is required by any Court or officer, a deposit of a sum of money or even Government promissory notes for such amount as the Court or Officer fixes, in lieu of executing such bond, can also be permitted by the Court.

14. Thus, it is evident from an appreciation of the above principles and statutory provisions that in appropriate cases, the Court has the discretion to reduce the amount of bond or even accept other options. All these depend upon the circumstances arising in each case.

15. In the present case, as noted earlier, in spite of the petitioner being granted bail, he has not been able to obtain his release from custody. Executing surety bond in each case pending before the different Magistrate's Court would entail the sureties to be present before each Court. Since in most of the cases where bail has been granted, the same sureties have been permitted, considering the large volume of cases and the different Courts where those are pending, it may take several months for completing the said process. This exercise would lead to untold misery for a person who has been granted bail already. On behalf of the petitioner, it was submitted that, the sureties are willing to execute bail bonds, which can be made applicable to all cases in the State or at least in one case in a district, which can be made applicable to all cases in that district.

16. Taking into consideration the entire circumstances, this Court



is of the view that an exceptional circumstance has arisen which must persuade this Court, as a sentinel of qui vive to exercise the constitutional power to ensure that the petitioner enjoys the liberty granted by this Court without being subjected to excessive or onerous procedural obstacles that may undermine and frustrate the very purpose of granting bail.

17. The execution of a single surety bond by each of the sureties to the petitioner in any one of the cases registered against him within a district, can be treated as representing surety bonds in respect of the sureties in all the cases registered against him in that district, pending before different Magistrate Courts, which would serve the purpose of having surety bonds for the cases mentioned in this judgment. This would give succor to the difficulties projected by the petitioner without undermining the requirement of ensuring his presence in the Court as and when required.

Accordingly, it is directed that the petitioner is permitted to execute the bond as already directed in the bail orders for all crimes registered against him in Kerala with a single surety bond for each surety of a value of Rs.5,00,000/- (Rs. Five lakhs only) each within each district in one of the selected cases. The surety bonds so executed shall be treated as sufficient bonds in respect of each individual crime registered against the petitioner in that district, provided the sureties file an affidavit before



each Court that such bond executed by them will cover all the cases in that district individually. It is clarified that this direction is on account of the peculiar circumstances arising in this case.

The writ petition is allowed to the above extent.

Sd/-

**BECHU KURIAN THOMAS
JUDGE**

vps



APPENDIX OF WP(CRL.) 1183/2025

PETITIONER'S/S' EXHIBITS

Exhibit P1	A COPY OF MEDICAL CERTIFICATES ISSUED BY DR MANGALANANDAN, SENIOR CONSULTANT INTERVENTIONAL CARDIOLOGIST, COSMOPOLITAN HOSPITALS (P) LTD REGARDING THE CARDIO VASCULAR ISSUES OF THE PETITIONER
Exhibit P2	INTERIM ORDER GRANTED BY HON'BLE HIGH COURT
Exhibit P3	A COPY OF THE ORDER DATED 23RD JUNE 2025 OF B.A NO. 7630 OF 2025
Exhibit P5	THE LIST OF CASES WITH THE B.A NUMBER, CRIME BRANCH CRIME NUMBER AND DATE IN WHICH BAIL HAS BEEN APPROVED
Exhibit P6	TRUE COPY OF THE LIST OF CASES OF PETITIONER K.N.ANAND KUMAR