



2025:KER:68315

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

MONDAY, THE 15TH DAY OF SEPTEMBER 2025 / 24TH BHADRA, 1947

BAIL APPL. NO. 9534 OF 2025

CRIME NO.682/2025 OF Peerumedu Police Station, Idukki

PETITIONERS/ACCUSED 1 TO 4:

- 1 R.THILAKAN, AGED 58 YEARS
S/O RAGHAVAN, Kavalapparambil House,
Elappara Village, Peerumade Taluk,
Idukki District, PIN - 685501**
- 2 R. DINESHAN, AGED 54 YEARS
S/O RAGHAVAN, Kavalapparambil House,
Elappara Village, Peerumade Taluk,
Idukki District, PIN - 685501**
- 3 PRASANNAN, AGED 54 YEARS
S/O SREEKANTHAN, VARIKKAL HOUSE,
Elappara Village, Peerumade Taluk,
Idukki District, PIN - 685501**
- 4 VIJAYAKUMAR C., AGED 61 YEARS
S/O BHASKARAN, Chittanapparayil House,
Elappara Village, Peerumade Taluk,
Idukki District, PIN - 685501**

**BY ADVS.
SHRI.SOORAJ M KARTHA
SHRI.SWARAN JOSE
SMT.VRINDA SOMAN**



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RESPONDENTS/DE FACTO COMPLAINANT:

- 1 STATE OF KERALA
 REPRESENTED BY PUBLIC PROSECUTOR,
 HIGH COURT OF KERALA, PIN - 682031**

 - 2 INSPECTOR OF POLICE
 PEERUMADE POLICE STATION IDUKKI, PIN - 685531**
- BY SRI.NOUSHAD K.A., PP**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
15.09.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**



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BECHU KURIAN THOMAS, J.

.....
B.A.No.9534 of 2025
.....

Dated this the 15th day of September, 2025

ORDER

This bail application is filed under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS').

2. Petitioners are the accused 1 to 4 in Crime No.682 of 2025 of Peerumedu Police Station, Idukki, registered for the offences punishable under Sections 189(2), 191(2), 190, 115(2), 126(2), 132, 296(b), 351(2) and 121(1) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

3. According to the prosecution, on 09.07.2025, at about 9.45 a.m., on a day when a nationwide strike was called by the trade unions, the accused, who claim to be members of the trade unions, obstructed the de facto complainant who is a postmaster, from discharging his official duties and abused and threatened him to stop the work and to close down the post office and when he came out of the office, the first accused restrained



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and slapped him on his cheek and threatened to kill him and thereby committed the offences alleged.

4. Heard Sri.Sooraj M.Kartha, the learned Counsel for the petitioners as well as Sri.Noushad K.A., the learned Public Prosecutor.

5. The learned counsel for the petitioners submitted that the prosecution allegations are false and petitioners may be granted anticipatory bail. It was also submitted that the allegations do not indicate the commission of any serious offence and also that since no serious injuries were sustained by the de facto complainant, a custodial interrogation is not at all necessary.

6. The learned Public Prosecutor opposed the bail application and submitted that the offences alleged do make out a non-bailable offence and as the allegations are serious, custodial interrogation is essential.

7. Petitioners are alleged to have obstructed the de facto complainant from performing his official duty on 09.07.2025. The trade unions had called for a nationwide protest on that day.



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The de facto complainant, who is the post master of Peerumedu Post Office had kept the said public office open on that day. Enraged by the non-cooperation of the de facto complainant in the protest, accused allegedly abused and threatened him. The de facto complainant was forced to close the office after the threats and abuses. After closing the office, while the de facto complainant was going towards his scooter, the first accused slapped him and again threatened to kill him, if he was seen inside the office.

8. The offences alleged do constitute a serious offence and are also non-bailable. The circumstance that the accused formed themselves into an unlawful assembly and obstructed a public servant from performing his duties, and that Section 121 of the BNS has subsequently been incorporated must weigh with this Court to not to release the petitioners on anticipatory bail. It is seen from the statement of the de facto complainant that the accused had threatened the de facto complainant for having kept a public office open on an alleged protest day.

9. Compelling a public office to be closed under threat is



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a serious offence and such conduct cannot be tolerated or permitted on any grounds. Granting anticipatory bail to persons, who used force to close down an office, that too a public office, does not augur well in a State governed by the rule of law. Insulating the alleged perpetrators of such a crime, who took law into their own hands, with an order of pre-arrest bail, would inspire the accused themselves to repeat such offensive conduct. Further, an officer, who worked tirelessly, as part of his obligation and duty to the public, was slapped for having kept the public office open on an alleged protest day.

10. In the decision in **Vinod P and Another v. State of Kerala** 2019 SCC Online Ker 1012, this Court had observed that Courts should strictly deal with cases of criminal acts done under the guise of banned hartal or any other mode of protest affecting the right of any citizen to carry on his trade or business, right to move freely anywhere in India and right to life. The Court further observed that call for hartal by any political party only gives the right to the members of that political party to withdraw themselves



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from their work as a protest. It does not empower them to commit criminal acts which tends to interfere in the exercise of the Fundamental Right of any person to move freely anywhere in India and to carry on his trade or business anywhere in the country. Moreover, in **James Martin v. State of Kerala**, [(2004) 2 SCC 203] the Supreme Court had observed that no person has any right to cause inconvenience to any other person or to cause in any manner a threat or apprehension of risk to life, liberty, property of any citizen in the name of strike.

11. Taking note of the serious allegations raised in the crime, and having regard to the conduct of the accused in assaulting a postmaster, that too, for keeping open a public office, I am of the view that petitioners cannot be shown any leniency. Hence I decline to grant pre-arrest bail to the petitioners.

12. However, if petitioners surrender before the Investigating Officer on 19.09.2025 and if, after interrogation, the Investigating Officer arrests the petitioners, then, they shall be produced before the jurisdictional Magistrate without undue delay.



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Further, if any bail application is filed by them, the same shall be considered without undue delay, in accordance with law.

This bail application is dismissed with the above observations.

Sd/-

**BECHU KURIAN THOMAS
JUDGE**

sp/15/09/2025



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APPENDIX OF BAIL APPL. 9534/2025

PETITIONER ANNEXURES

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| Annexure A1 | THE TRUE COPY OF FIR IN CRIME NO. 682/2025 OF PEERUMADE POLICE STATION. |
| Annexure A2 | THE COPY OF THE BAIL ORDER IN CRL. M C NO. 458/2025 BY THE HON'BLE DISTRICT COURT, IDUKKI DATED 28.07.2025 |
| Annexure A3 | THE COPY OF THE CERTIFICATION ISSUED BY THE ADDITIONAL REGISTRAR THAT THE 1ST PETITIONER IS THE CHAIRMAN OF THE KERALA STATE CO-OPERATIVE EMPLOYEES PENSION BOARD |