



Bail Appl. No.10793 of 2025

2025:KER:71510

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

WEDNESDAY, THE 24TH DAY OF SEPTEMBER 2025 / 2ND ASWINA, 1947

BAIL APPL. NO. 10793 OF 2025

CRIME NO.592/2025 OF PALARIVATTOM POLICE STATION, ERNAKULAM

PETITIONERS:

JINTO P D.,
AGED 46 YEARS,
S/O.DEVASYKUTTY, PALLOOPPETTA HOUSE,
MATTOOR, KALADY P.O., ERNAKULAM DISTRICT,
PIN - 683 574.

BY ADVS.
SHRI.S.SAMEER
SMT.AMANI R.S.

RESPONDENTS:

- 1 STATE OF KERALA.,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM DISTRICT,
PIN - 682 031.
- 2 THE STATION HOUSE OFFICER.,
PALARIVATTOM POLICE STATION,
ERNAKULAM DISTRICT, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM DISTRICT, PIN - 682 031.
- * ADDL.R3 IS IMPEADED
- 3 MEGHA SUNNY,
AGED 26 YEARS,
W/O MARVIN JOSEPH,



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KULANGARA HOUSE,
MATTOOR, VATTAPARAMBU,
KALADY PO, PIN - 683 574.

* ADDL.R3 IS IMPEADED AS PER ORDER DATED 24.09.2025
IN CRL.M.A.NO.1 OF 2025 IN B.A.NO.10793 OF 2025)

BY ADVS.
SRI.P.T.JOSE
SRI.K.G.GOPAKUMAR
SHRI.ALTHAF P.A.
SHRI.VINEETH P.BABY
SMT.BENSSY M KOSHY
SHRI.DENNY K.T.

SRI. PRASANTH M.P., PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
24.09.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



BECHU KURIAN THOMAS., J

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Dated this the 24th day of September, 2025

O R D E R

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

2. Petitioner is the accused in Crime No.592 of 2025 of Palarivattom Police Station, Ernakulam, registered for the offences punishable under sections 331 and 305 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

3. According to the prosecution, on 18.08.2025, accused had trespassed into an establishment called "Jinto Body Craft", which is being run by the de facto complainant and attempted to damage the CCTV cameras and stole an amount of Rs.10,000/- along with certain valuable documents and thereby committed the offences alleged.

4. Heard the learned counsel for the petitioner as well as the learned Public Prosecutor and the learned counsel for the de facto complainant.

5. The learned counsel for the petitioner submitted that petitioner has been falsely arrayed as an accused and that he has no involvement in the alleged crime



6. The learned Public Prosecutor opposed the bail application.

7. Petitioner and the de facto complainant had entered into an agreement dated 14.10.2024, in connection with an establishment called "Jinto Body Craft". The terms of the agreement as evident from Annexure-A2 indicate that the first party, who is the petitioner is entitled for 60% of the profits while the de facto complainant is entitled to 40%. The profits are to be shared as above after payment of all expenses. The said agreement prima facie indicates a partnership arrangement between the parties to share the losses and profits.

8. Taking into consideration the aforesaid agreement, it cannot be prima facie held that the accused had stolen valuable documents or properties. However, that is a matter to be identified during investigation. In this context, it is to be mentioned that there is an earlier crime registered at the behest of the de facto complainant as Crime No.360 of 2025 of Palarivattom Police Station. This Court had, after considering the circumstances therein, granted anticipatory bail to the petitioner on conditions. The present crime is registered subsequent to four days after the grant of anticipatory bail in the earlier crime.

9. In **Ashok Kumar v. Union Territory of Chandigarh**, [2024 SCC OnLine SC 274], it has been held that a mere assertion on



the part of the State while opposing the plea for anticipatory bail that custodial interrogation is required would not be sufficient and that the State would have to show or indicate more than prima facie case as to why custodial interrogation of the accused is required for the purpose of investigation.

10. Taking into consideration the above circumstances, I am of the view that custodial interrogation of the petitioner is not necessary.

Accordingly, this application is allowed on the following conditions:

(a) Petitioner shall appear before the Investigating Officer on 08.10.2025 and shall subject himself to interrogation.

(b) If after interrogation, the Investigating Officer proposes to arrest the petitioner, then, he shall be released on bail on him executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum before the Investigating Officer.

(c) Petitioner shall appear before the Investigating Officer as and when required and shall also co-operate with the investigation.

(d) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence.

(e) Petitioner shall not commit any similar offences while he is on bail.

In case of violation of any of the above conditions or if any modification or deletion of the conditions are required, the jurisdictional Court shall be empowered to consider such applications,



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if any, and pass appropriate orders in accordance with law,
notwithstanding the bail having been granted by this Court.

Sd/-
BECHU KURIAN THOMAS
JUDGE

ADS



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APPENDIX OF BAIL APPL. 10793/2025

PETITIONER ANNEXURES

Annexure A1 A TRUE COPY OF THE FIR IN CRIME NO. 592
OF 2025 OF THE PALARIVATTOM POLICE
STATION.

Annexure A2 A TRUE COPY OF THE BUSINESS AGREEMENT
BETWEEN THE PETITIONER AND THE DEFACTO
COMPLAINANT, DATED 14/10/2024.

Annexure A3 A TRUE COPY OF THE ORDER OF THE HON'BLE
HIGH COURT OF KERALA IN B.A.
NO.9191/2025, DATED 14/08/2025.

RESPONDENT ANNEXURES

COMPLAINT GIVEN TO THE 2ND RESPONDENT DATED 13/6/2025.

RECEIPT ISSUED BY THE DCP, ERNAKULAM CITY DATED 13/6/2025.

TRUE COPY OF THE COMPLAINT TO THE 2ND RESPONDENT DATED
18/8/2025.