

**WE THE UNDERSIGNED PERSONS SUBMIT THIS
RESOLUTION TO BE PLACED BEFORE AN URGENT
GENERAL BODY**

To,

The Secretary,
Kerala High Court Advocates Association

It is with utmost despair and anguish that I am constrained to move this resolution to be placed before the General a Body. The Hon'ble Apex court vide order dated 8.9.25 issued notice to the Honourable High Court of Kerala to ^{explain} why application for anticipatory bail are being entertained directly by the High Court under section 482 of the BNSS even when the accused has not approached the Concerned sessions court. Apex court was also pleased to appoint an amicus curiae to assist the court to consider the issue whether an application for bail particularly, application for anticipatory bail can be entertained by the High Court without first approaching the concerned sessions court. This issue is no longer res integra. The same has been decided in a plethora of cases by the Honourable Apex court and particularly by our own High Court in Balan .v. state of Kerala 2003 KHC 1141 . The position remains unchanged from what has been established by numerous decisions of the apex court and our own High Court. It has been held that Section 438 of the Criminal Procedure Code which is akin is Section 482 of BNSS 2023 confers the power on both the High

Received
16/10/2025
M.R. Nandakumar
Secretary

Court and the Sessions Court to consider applications for pre-arrest bail, and it is not necessary for the accused to first approach the Sessions Court before seeking relief from the High Court.

The legislature has provided concurrent powers to the High Court and the Sessions Court under Sections 438 and 439 of the Criminal Procedure Code, 1973. Even when the new Act was enacted, the legislature did not see it fit to alter this existing framework. The attempt now made by the Honorable Supreme Court appears to be an act of judicial overreach, interfering with the powers granted to the High Court by the legislature and thereby threatening the fundamental rights of citizens across the state and the nation as a whole.

It is understood that a note has been submitted before the Apex Court by the advocate on record who is appearing for the High Court of Kerala in the above case. The basis of the above notes is in answer to the query made by the Supreme Court regarding the statistics about Anticipatory Bail Applications before the Hon'ble High Court of Kerala. In the background of the above notes, lawyer fraternity has a duty to impress the Supreme Court regarding the actual state of affairs.

As officers of the court and members of the bar, it is our bounden duty to defend the existing legal system. It is also pertinent to note that the High Court of Kerala has been accused, directly or indirectly, of entertaining pre-arrest bail applications without proper jurisdiction.

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Furthermore, I request the Executive Committee and the General Body to ensure that the Kerala High Court Advocates Association is impleaded in these proceedings and our association is represented by a competent senior counsel so that we can adequately and appropriately apprise the Supreme Court of the applicable law.

Ernakulam,
16-10-2025

Yours faithfully,

1. Adv.M.P. Madhavankutty
(Membership No. LD-1743)

2. Adv. Rajeev S

3. Adv. Renjith B Marar

4. Adv. George Sebastian

5. Divesh Shankar

6. M. Abdul Rasheed

7. Gokuldas V.V.H.

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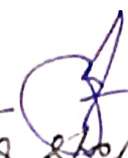
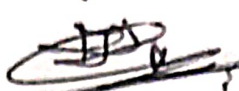
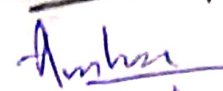
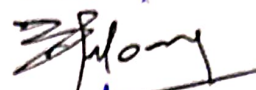
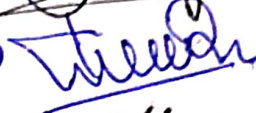
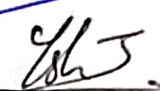
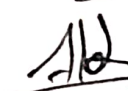
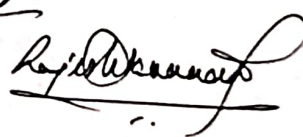
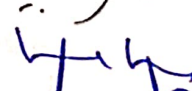
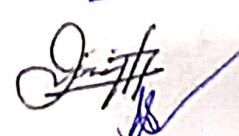
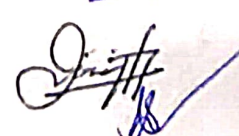
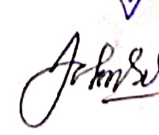
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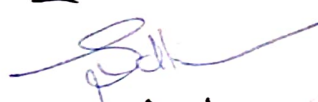
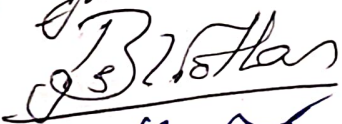
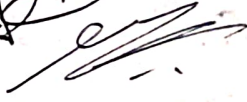
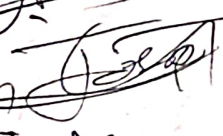
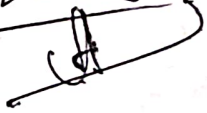
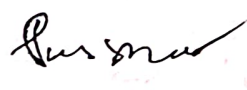
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100. Brij Balakrishnan 

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106. Shahid Azeez

107. Cherian Mathew

108. T. P. Praseep

109. Mannu kumar

110. Madhusudhan

111. K. P. Sathesan

112. P. K. Balakrishnan

113. Vishnu J.

114. Rafani K. N

115. Sindhu K. S

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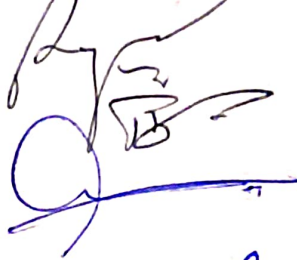
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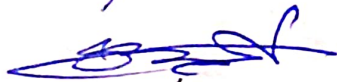
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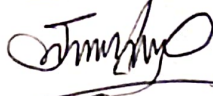
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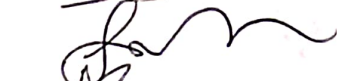
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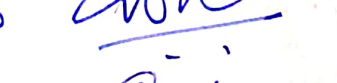






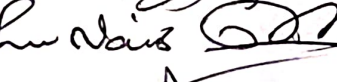














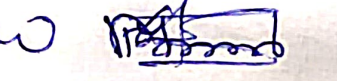


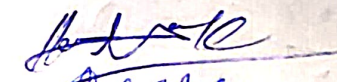


























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- 130 Jay T.S K/1108/09 Jay
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134. Gairthwile D. N. K/1502/18 Gairthwile
- 135 Zubair P. K/1214/95 Zubair
- 136 P. R. Ajith Kumar K/70/1998 Ajith
- 137 BIMAL ROY. C. V. K/715/1999 Bimal
- 138 M. R. Sudheendran M. R. Sudheendran
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- 140 Jasmita. V. H Jasmita
- 141 Arjun. S. Arjun
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- 144 Ranju Nandan G Ranju
- 145 Sabu S Sabu
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- 147 Adarsh Sivadasan Adarsh
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149. Adv. V. N. Sridharan Adv. V. N. Sridharan

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151	Adv. Achutha Rajeev	AK
152	Adv. Mohammed Iqbal	Sam
153	Blaze K Jon	153
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155	Vinod Vallikappen	Vinod Vallikappen
156	Hood T. B.	Hood
157	Mahesh	M
158	B. Vinod	B. Vinod
159	R. M. Gula Raveen	R. M. Gula Raveen
160	Amal Thangam	Amal
161	Samsudin P	Samsudin
162	P. C. Thomas	P. C. Thomas
163	Raja Joseph	Raja
164	Anas Shommad	Anas Shommad
165	Varghese Prem	Varghese Prem