



2025:KER:98787

BAIL APPL. NO.14514 OF 2025

1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

TUESDAY, THE 23RD DAY OF DECEMBER 2025 / 2ND POUSHA, 1947

BAIL APPL. NO. 14514 OF 2025

CRIME NO.22/2025 OF VACB, ERNAKULAM, ERNAKULAM

AGAINST THE ORDER DATED 08.12.2025 IN CRMP NO.415 OF 2025 OF
ENQUIRY COMMISSIONER AND SPECIAL JUDGE, MUVATTUPUZHA (I/C)

PETITIONER(S)/ACCUSED:

JIBY MATHEW M
AGED 52 YEARS
S/O. M.V. MATHAI, MAARACHERY HOUSE, VENGOOR WEST
VILLAGE, KUNNATHUNADU TALUK, PERUMBAVOOR, ERNAKULAM
DISTRICT, PIN - 683546

BY ADVS.
SRI.MATHEW KURIAKOSE
SRI.T.G.SUNIL (PERUMBAVOOR)
SRI.J.KRISHNAKUMAR (ADOOR)
SHRI.C.N.PRAKASH
SHRI.SHAJI P.K.
SHRI.ARUN.S.
SMT.PREETHU JAGATHY

RESPONDENT/STATE:

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

ADV. M .C ASHI (PUBLIC PROSECUTOR)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
23.12.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



2025:KER:98787

BAIL APPL. NO.14514 OF 2025

2

ORDER

This Bail Application is filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita 2023 (for short 'BNSS').

2. Petitioner herein is the sole accused in Crime No.VC.22/2025/EKM of VACB, Ernakulam, registered for the offence punishable under Section 7(a) of the PC Act.

3. The prosecution case is that, the petitioner/accused demanded an amount of Rs.5,000/- from the complainant, in order to effect mutation of a property, and to pay land tax for the same. Thereafter, on 28.11.2015, the petitioner/accused accepted the said bribe amount and at that time, he was caught red-handed by the vigilance officials. Thus, the accused allegedly committed the above offence.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. The learned counsel for the petitioner submitted that the petitioner has been in judicial custody for more than 25 days. He is ready to cooperate with the investigation and in fact investigation of the offence is practically over.



6. The learned Public Prosecutor opposed the bail application. The learned Public Prosecutor further submitted that, if this Court inclines to grant bail to the petitioner, strict conditions may be incorporated in the bail order.

7. It is a well accepted principle that bail is the rule and jail is the exception. The Hon'ble Supreme Court in **Chidambaram. P v Directorate of Enforcement [(2020) 13 SCC 791]** after considering all the earlier judgments, observed that, the basic jurisprudence relating to bail remains the same inasmuch as the grant of bail is the rule and refusal is the exception so as to ensure that the accused has the opportunity of securing fair trial.

8. Moreover, in **Jalaluddin Khan v. Union of India [2024 KHC 6431]**, the Hon'ble Supreme Court observed that:

"21. Before we part with the Judgment, we must mention here that the Special Court and the High Court did not consider the material in the charge sheet objectively. Perhaps the focus was more on the activities of PFI, and therefore, the appellant's case could not be properly appreciated. When a case is made out for a grant of bail, the Courts should not have any hesitation in granting bail. The allegations of the prosecution may be very serious. But, the duty of the Courts is to consider the case for grant of bail in accordance with the law. "Bail is the rule and jail is an exception" is a settled



law. Even in a case like the present case where there are stringent conditions for the grant of bail in the relevant statutes, the same rule holds good with only modification that the bail can be granted if the conditions in the statute are satisfied. The rule also means that once a case is made out for the grant of bail, the Court cannot decline to grant bail. If the Courts start denying bail in deserving cases, it will be a violation of the rights guaranteed under Art.21 of our Constitution."

9. In **Manish Sisodia v. Directorate of Enforcement [2024 KHC 6426]**, the Hon'ble Supreme Court observed that:

"53. The Court further observed that, over a period of time, the trial courts and the High Courts have forgotten a very well - settled principle of law that bail is not to be withheld as a punishment. From our experience, we can say that it appears that the trial courts and the High Courts attempt to play safe in matters of grant of bail. The principle that bail is a rule and refusal is an exception is, at times, followed in breach. On account of non - grant of bail even in straight forward open and shut cases, this Court is flooded with huge number of bail petitions thereby adding to the huge pendency. It is high time that the trial courts and the High Courts should recognize the principle that "bail is rule and jail is exception"."

10. Considering the dictum laid down in the above decisions and considering the facts and circumstances of this case, this Bail Application is allowed with the following directions:



2025:KER:98787

BAIL APPL. NO.14514 OF 2025

5

1. The petitioner shall be released on bail on executing a bond for Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court.
2. The petitioner shall appear before the Investigating Officer on every Monday between 10.00 am and 11.00 am till the final report is filed or for a period of three months from the date of his release on bail, whichever event occurs first.
3. The petitioner shall appear before the investigating officer for interrogation as and when he is required to do so in writing, apart from the days mentioned above, till the completion of the investigation.
4. The petitioner shall co-operate with the investigation and shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the investigating officer.
5. The petitioner shall not leave India without permission of the jurisdictional Court.



2025:KER:98787

BAIL APPL. NO.14514 OF 2025

6

6. The petitioner shall not commit an offence similar to the offence of which he is accused.

7. It is made clear that if any of the above conditions are violated by the petitioner, the prosecution is at liberty to approach the jurisdictional Court for cancellation of bail in accordance with law.

SD/-

MURALEE KRISHNA S.,

JUDGE

JJ



2025:KER:98787

BAIL APPL. NO.14514 OF 2025

7

APPENDIX OF BAIL APPL. NO. 14514 OF 2025

PETITIONER ANNEXURES

Annexure A

TRUE COPY OF THE ORDER DATED 08.12.2025 IN
CRL. M.P. NO. 415/2025 ON THE FILES OF THE
COURT OF THE ENQUIRY COMMISSIONER AND SPECIAL
JUDGE, MUVATTUPUZHA