



2025:KER:46122

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS**

**THURSDAY, THE 26<sup>TH</sup> DAY OF JUNE 2025 / 5TH ASHADHA, 1947**

**BAIL APPL. NO. 7043 OF 2025**

**CRIME NO.499/2024 OF Alathur Police Station, Palakkad  
AGAINST THE ORDER DATED 22.05.2025 IN CRMC NO.2661 OF 2025 OF  
DISTRICT COURT & SESSIONS COURT, PALAKKAD ARISING OUT OF THE  
ORDER DATED 03.05.2025 IN CMP NO.1479 OF 2025 OF JUDICIAL  
MAGISTRATE OF FIRST CLASS ,ALATHUR**

**PETITIONER/2ND ACCUSED:**

**SUBASH KUMAR, AGED 47 YEARS, SON OF KUTTAN,  
THERUPARAMBIL VEEDU, MANGADU, KUNNAMKULAM,  
THRISSUR DISTRICT, KERALA, PIN - 680503**

**BY ADV SMT.KAVERY S THAMPI**

**RESPONDENT:**

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

**SRI. M.P.PRASANTH, PP**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
26.06.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**



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**BECHU KURIAN THOMAS, J.**

.....  
**B.A.No.7043 of 2025**  
.....

**Dated this the 26<sup>th</sup> day of June, 2025**

**ORDER**

This bail application is filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS').

2. Petitioner is the 2<sup>nd</sup> accused in Crime No.499 of 2024 of Alathur Police Station, Palakkad, registered for the offences punishable under Section 420 r/w Section 34 of the Indian Penal Code, 1860.

3. According to the prosecution, the accused are alleged to have induced the de facto complainant by promising that they would help her in retrieving 80 sovereigns of gold ornaments pledged in several Banks and on 16.02.2021, after getting the gold released from there, the accused took away the same and thereby committed the offences alleged. Petitioner was arrested on 02.05.2025 and has been in custody since then.



4. I have heard Smt.Kavery S.Thampi, the learned Counsel for the petitioner as well as Sri.Prasanth M.P., the learned Public Prosecutor.

5. The learned counsel for the petitioner contended that the prosecution allegations are false and that petitioner has been in custody since 02.05.2025 and he ought to be released on bail.

6. The learned Public Prosecutor opposed the bail application and pointed out that since petitioner is involved in five other crimes, bail ought not be granted.

7. Petitioner is alleged to have cheated the de facto complainant by failing to return the gold ornaments taken from her and thereby committed the offences alleged. Though *prima facie* the nature of allegations against the petitioner are serious and though the learned Public Prosecutor pointed out that petitioner is involved in five other crimes, considering the period of detention already undergone by the petitioner, I am of the view that the continued detention is not required in the circumstances of the case. Therefore, petitioner ought to be released on bail.



In the result, this application is allowed on the following conditions:-

(a) Petitioner 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 to the satisfaction of the court having jurisdiction.

(b) Petitioner shall appear before the Investigating Officer as and when required.

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

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

(e) Petitioner shall not leave India without the permission of the Court having jurisdiction.

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



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

Sd/-

**BECHU KURIAN THOMAS  
JUDGE**

sp/26/06/2025



**APPENDIX OF BAIL APPL. 7043/2025**

**PETITIONER ANNEXURES**

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| <b>Annexure A1</b> | <b>TRUE COPY OF THE FIR DATED 14.05.2024 NUMBERED AS CRIME NO. 499 OF 2024 ON THE FILES OF ALATHUR POLICE STATION, PALAKKAD DISTRICT IS PRODUCED HERewith AND MARKED AS ANNEXURE A1.</b>                      |
| <b>Annexure A2</b> | <b>TRUE COPY OF THE ORDER IN CMP NO.1479 OF 2025 DATED 03.05.2025 ON THE FILES OF THE HONOURABLE FIRST-CLASS MAGISTRATE-I, ALATHUR IS PRODUCED HERewith AND MARKED AS ANNEXURE A2.</b>                        |
| <b>Annexure A3</b> | <b>TRUE COPY OF THE ORDER IN CRL.M.C NO. 2661 OF 2025 DATED 22.05.2025 ON THE FILES OF THE HONOURABLE COURT OF SESSIONS, PALAKKAD DIVISION IS PRODUCED HERewith AND MARKED AS ANNEXURE A3.</b>                |
| <b>Annexure A4</b> | <b>TRUE COPY OF FIRST INVESTIGATION STATEMENT DATED 14.05.2025 IS PRODUCED HERewith AND MARKED AS ANNEXURE A4.</b>  |
| <b>Annexure A5</b> | <b>TRUE COPY OF THE RECEIPTS ISSUED BY CENTRAL BANK OF INDIA, ALATHUR BRANCH EVIDENCING THE DEPOSIT OF AMOUNTS IN THE ACCOUNT OF THE DE FACTO COMPLAINANT IS PRODUCED HERewith AND MARKED AS ANNEXURE A5.</b> |
| <b>Annexure A6</b> | <b>TRUE COPY OF THE ORDER DATED 12.03.2025 IN B.A. NO. 8861 OF 2024 ON THE FILES OF THE HONOURABLE HIGH COURT OF KERALA IS PRODUCED HERewith AND MARKED AS ANNEXURE A6.</b>                                   |
| <b>Annexure A7</b> | <b>TRUE COPY OF THE ORDER DATED 17.10.2024 IN B.A. NO. 4836 OF 2024 ON THE FILES OF THE HONOURABLE HIGH COURT OF KERALA IS PRODUCED HERewith AND MARKED AS ANNEXURE</b>                                       |

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**A7.**