

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K. BABU

TUESDAY, THE 11TH DAY OF NOVEMBER 2025 / 20TH KARTHIKA,

1947

BAIL APPL. NO. 13033 OF 2025

CRIME NO.1016/2021 OF Pulikeezhu Police Station,

Pathanamthitta

PETITIONER:

PRAMOD PRASANNAN,
AGED 27 YEARS
S/O. PRASANNAN, KOCHUPARAMBIL HOUSE,
PALLIKACHIRA, CHANGANESSY TALUK, KOTTAYAM,
KERALA, PIN - 689108

BY ADVS.
SRI.RENJITH B.MARAR
SMT.LAKSHMI.N.KAIMAL
SRI.P.RAJKUMAR
SRI.KESHAVRAJ NAIR
SHRI.BIJU VIGNESWAR
SHRI.ARUN POOMULLI
SMT.MEERA JOPPAN
SHRI.ABHIRAM.S.
SMT.GAADHA SURESH
SRI.T.K.BABU
SHRI.VISWANATH JAYAN
SMT.AKHILA RADHAKRISHNAN
SHRI.AKSHAY SHIBU

RESPONDENT/S:

STATE OF KERALA,

BA No.13033 & 13369 of 2025

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2025:KER:85673

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

BY SRI CK SURESH, SR PUBLIC PROSECUTOR FOR
ADDL.DIRECTOR GENERAL OF PROSECUTION

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11.11.2025, ALONG WITH Bail Appl..13369/2025, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BA No.13033 & 13369 of 2025

..3..



2025:KER:85673

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K. BABU

TUESDAY, THE 11TH DAY OF NOVEMBER 2025 / 20TH KARTHIKA,

1947

BAIL APPL. NO. 13369 OF 2025

CRIME NO.1016/2021 OF Pulikeezhu Police Station,

Pathanamthitta

PETITIONER/S:

JISHNU REGHU
AGED 32 YEARS
S/O REGHU, KAUSALYAIL HOUSE, PERINGARA VILLAGE,
CHATHENKERY P.O., THIRUVALLA TALUK,
PATHANAMTHITTA DISTRICT, PIN - 689112

BY ADV SRI.C.RAJENDRAN

RESPONDENT/S:

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

BA No.13033 & 13369 of 2025

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2025:KER:85673

BY SRI CK SURESH, SR PUBLIC PROSECUTOR FOR
ADDL.DIRECTOR GENERAL OF PROSECUTION

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11.11.2025, ALONG WITH Bail Appl..13033/2025, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



ORDER

These applications are filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

BA No.13033 of 2025

2. The petitioner is accused No.2 in Crime No.1016/2021 of Pulikeezhu Police Station, Pathanamthitta, which is now pending as S.C.No.157/2022 before the Additional Sessions Court – I (Special Court), Pathanmathitta. The offences alleged against the petitioner are punishable under Sections 120B, 143, 147, 148, 302, 307, 452, 506(ii), 294(b), 149 and 212 of the Indian Penal Code and under Section 20 r/w Section 27 of the Arms Act.

3. The prosecution case is that on 02.12.2021, the petitioner and the other accused murdered one Sandeep.



4. The Police completed investigation and submitted Final report on 02.02.2022.

5. The petitioner was arrested on 03.12.2021. This Court granted bail to the petitioner on 22.08.2024 in B.A. No. 5413 of 2024, considering his prolonged custody since 03.12.2021 and the delay in the trial, subject to stringent conditions. One of the conditions imposed by this Court was that the petitioner shall not involve in any other crimes while on bail.

6. Thereafter, Thrikodithanam Police registered Crime No.939/2025 alleging offences punishable under Sections 296(b), 118(1), 126(1), 110 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ('the BNS' for short) against the petitioner. The petitioner was in judicial custody in Crime No.939/2025 on 29.07.2025.

7. The petitioner remained absent on 29.07.2025 in the present case. His lawyer failed to represent him.



The learned Additional Sessions Judge on 29.07.2025 cancelled the bail granted to the petitioner due to his absence.

8. I have heard Sri. Renjith B. Marar, the learned counsel for the petitioner and the learned Senior Public Prosecutor.

9. The learned counsel for the petitioner submitted that in the subsequent crime, the petitioner has been falsely implicated. The learned counsel further submitted that the petitioner failed to appear before the Court as he was in custody in Crime No.939/2025. The learned counsel submitted that cancellation of bail was not warranted. It is submitted that the petitioner is not a threat to the safety or security of any of the witnesses in the case. The learned counsel made an undertaking that the petitioner will not make any effort to contact or influence the witnesses, in any manner.



10. The learned Senior Public Prosecutor opposed the bail plea. The learned Senior Public Prosecutor submitted that, from 11.04.2025 onwards, the case was being adjourned for the appearance of accused Nos. 1 to 5 for framing the charges. The learned Senior Public Prosecutor further submitted that the accused have been adopting tactics to protract the proceedings under one pretext or another. The learned Senior Public Prosecutor submitted that this Court, while considering the bail application filed by accused No.1, after the cancellation of his bail, had directed the trial Court to make every endeavour to schedule the trial at the earliest and to dispose of the same without further delay. The learned Senior Public Prosecutor submitted that cancellation of the bail granted to accused No.1 warrants no interference.



11. The learned counsel for the petitioner submitted that the petitioner was granted bail in the subsequent crime. It is further submitted that the said crime was falsely registered with intent to detain the petitioner in custody. The learned counsel submitted that a friend of the petitioner, who was also implicated in the case, was granted anticipatory bail by this Court. The learned counsel submitted that, as the petitioner is in judicial custody, he is incapacitated to conduct his defense effectively. Relying on **Ash Mohammad v. Shiv Raj Singh** [(2012) 9 SCC 446], the learned counsel submitted that mechanical detention of the accused is to be discouraged to promote public justice. It is further submitted that the grant of bail is the rule and refusal is the exception. The learned counsel highlighted that an accused person who enjoys freedom is in a much better



position to look after his case and to properly defend himself than if he were in custody.

12. The learned Senior Public Prosecutor relying on ***Rajesh Ranjan Yadav @ Pappu Yadav v. CBI*** [2007 (1) SCC 70] submitted that a balance has to be struck between the right to individual liberty and the interest of society.

13. The learned counsel for the petitioner also relied on ***Asha v. State of U.P.*** [2025 SCC Online All 6739], a decision rendered by the Allahabad High Court, to contend that refusal of bail in a particular case for conducting defense would cause denial of justice.

14. There is nothing to show that the involvement of the accused in the crime referred to above had any nexus with any attempt to protract the trial in the present case.



15. The order cancelling petitioner's bail reads thus:-

"A5 present. A3 absent. Represented. A1 and A4 produced. A6 absent. A2 absent. Not represented. Bail granted to A2 cancelled. Bond forfeited. Non bailable warrant against A2 and notice to sureties. A1 and A4 remanded till to 12.08.2025."

16. The grievance of the petitioner is that the copy of the order cancelling the bail was not served upon him. The pleadings in the bail application in this regard reads thus:-

"Even after the copy has been applied for it has not been received so far. The petitioner through his lawyer has applied for the B. Diary proceedings by preferring Crl.M.P.No.7642/2025 in S.C.No.157/2022 on the files of Addl. Sessions Judge-1 (Special Court), Pathanamthitta. The same was allowed and a copy of the B. Diary proceedings was served. A true copy of the B. Diary proceedings dated 29.07.2025 in Crl.M.P.No. 7642/2025 in SC No.157/2022 on the files of Addl. Sessions Judge-1



(Special Court), Pathanamthitta is being produced herewith and marked as Annexure-A6.”

17. The petitioner seeks regular bail primarily on the ground that he cannot properly defend himself if he is in detention.

18. The issue of bail is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitized judicial process. ... After all, personal liberty of an accused or convict is fundamental, suffering lawful eclipse only in terms of “procedure established by law”. [vide ***Gudikanti Narasimhulu v. State*** (1978) 1 SCC 240 : 1978 SCC (Cri) 115] : (SCC p. 242, para 1)]

19. There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail. [vide ***Gurcharan Singh v.***



State (Delhi Administration) (1978) 1 SCC 118 : 1978
SCC (Cri) 41]

20. Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end.'[***AMERICAN JURISPRUDENCE***(2d, Vol. 8, page 806, para 39)]

21. The question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant



or refusal of bail. [vide ***Gurbaksh Singh Sibbia v. State of Punjab***, (1980) 2 SCC 565 : 1980 SCC (Cri) 465]

22. The object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment. There is no hard-and-fast rule and no inflexible principle governing the exercise of the discretion to grant bail. The only principle which is established is that the discretion should be exercised judiciously. [vide ***Gurbaksh Singh Sibbia***]

23. In ***Gurbaksh Singh Sibbia*** the Apex Court further observed thus:-

"27.....An accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. As a presumably innocent person he is therefore entitled to



freedom and every opportunity to look after his own case. A presumably innocent person must have his freedom to enable him to establish his innocence."

24. In ***Gudikanti Narasimhulu*** (supra) and ***Babu Singh v. State of U.P*** [1978 AIR 527: (1978) 1 SCC 579], the Apex Court observed that it makes sense to assume that a man on bail has a better chance to prepare or present his case than one remanded in custody.

25. The consequences of pre-trial detention are grave. Accused presumed innocent are subjected to the psychological and physical deprivations of jail life, usually under more onerous conditions than are imposed on convicted persons. The jailed accused loses his job if he has one and is prevented from contributing to the preparation of his defence. Equally important, the burden of his detention frequently falls heavily on the innocent



members of his family.” [vide ***Moti Ram v. State*** [1978 AIR 1594: (1978) 4 SCC 47]

26. The learned counsel for the petitioner submitted that an accused person’s need to gather resources, obtain legal advice, and collect evidence is a principal factor to be considered while deciding a bail application.

27. I am conscious of the nature and gravity of the charges faced by the petitioner and the severity of the punishment that may follow in the particular circumstances in the event of a conviction. I am also aware of the danger of the petitioner absconding.

28. This is a case where the petitioner comes before the Constitutional Court and makes a submission that he is incapacitated to take a valuable and creative defence in a murder trial. His specific contention is that



being an under-trial prisoner, he will be handicapped in getting a fair trial.

29. In ***Asha v. State of U.P.*** (supra), the Allahabad High Court observed thus:-

“87. The need of an accused to gather resources to get legal advice and collect evidences will also be a factor for consideration. The issue whether the accused has effective pairokars to professionally collect defence evidence, obtain quality legal advice, and prosecute his defence in the trial in an efficacious manner may also need a look in. At that stage the Court is also liable to examine whether further detention of the accused will become punitive.

88. In the facts and circumstances of a case, the Court may additionally impose stringent conditions to prevent the abuse of the liberty of bail and to ensure the presence of the accused.

89. Preparation of defence does not automatically guarantee enlargement of an accused on bail. Nor can bail be granted for defence on a mechanical basis. Effective conduct of defence can be a ground for bail at the appropriate stage when examined in the composite light of other relevant parameters.



90. Grant of bail for defence will thus be a result of judicial discretion guided by cumulative consideration of the aforesaid relevant factors. It is however clarified that the above parameters are neither exhaustive nor are liable to be applied in a rigid formulaic manner. The preceding discussion does not attempt a comprehensive catalogue of grounds of bail for defence. The aforesaid criteria may be adopted or adapted or evolved in the facts and circumstances of a case. In the ultimate analysis the exercise of judicial discretion for grant of bail to conduct defence requires application of mind to all relevant facts and circumstances of each case to advance the cause of justice and prevent the possibility of injustice.”

30. The learned counsel for the petitioner submitted that the petitioner will regularly appear before the Court and fully cooperate with the trial. The apprehension of the prosecution that the petitioner may abscond is not supported by any concrete materials. Therefore, I am of the view that the petitioner is entitled to be released on bail subject to stringent conditions.



Bail Application No.13369/2025

31. The petitioner is accused No.1 in Crime No.1016/2021 of Pulikeezhu Police Station, Pathanamthitta, which is now pending as S.C.No.157/2022 before the Additional Sessions Court - I, Pathanmathitta.

32. The petitioner was arrested in connection with the case and was granted bail on 14.10.2024. On 10.06.2025, when he failed to appear before the Court, the learned Sessions Judge cancelled his bail. He was arrested on 03.07.2025. Though he moved two bail applications before the learned Sessions Judge, those applications were rejected. Thereafter, he approached this Court by filing BA No.9462 of 2025. This Court dismissed his bail application, as per order dated 09.09.2025, with a direction to the learned Sessions Judge to dispose of the matter without further delay.



33. Later, the petitioner filed B.A.No.12696/2025 before this Court seeking regular bail. This Court dismissed the said application holding that he failed to place any materials to establish any change in the circumstances that existed at the time of dismissal of BA No.9462/2025.

34. The learned counsel for the petitioner Sri. C. Rajendran submitted that the trial in this case will not be over in the near future and therefore, the continued detention of the petitioner will prevent him from defending his case. The learned counsel for the petitioner submitted that applying the principle of parity, he is entitled to regular bail as he is on the same footing as that of accused No.2.

35. While considering the bail application filed by accused No.2, this Court has held that an accused on bail has a better chance to prepare or present his case than



one remanded in custody. The petitioner/accused No.1 is entitled to the benefit granted to accused No.2. This is a change in the circumstance that existed at the time of disposal of the earlier applications. Therefore, the petitioner/accused No.2 is entitled to regular bail on stringent conditions:-

In the result, B.A.Nos.13033 & 13369 of 2025 are allowed as follows:-

- (i) The petitioners shall be released on bail on their executing bond for Rs.5,00,000/- (Rupees Five Lakhs only) each with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court.
- (ii) The petitioners shall regularly appear before the trial Court and cooperate with the trial.



(iii) The petitioners shall not maintain any contact with any of the prosecution witnesses.

(iv). The petitioners shall not threaten or attempt to influence any witnesses.

(v) If any of the bail conditions are violated by the petitioners, the jurisdictional Court will be at liberty to cancel the bail, in accordance with law.

The Additional Sessions Court - I (Special Court), Pathanmathitta, shall dispose of S.C.No.157/2022, as expeditiously as possible, at any rate within a period of six months from this date.

K. BABU, JUDGE

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APPENDIX OF BAIL APPL. 13033/2025

PETITIONER ANNEXURES

- Annexure A1 TRUE COPY OF THE FIR DATED 03.12.2021
IN CRIME NO. 1016/2021 PULIKEEZHU
POLICE STATION, PATHANAMTHITTA.
- Annexure A2 TRUE COPY OF THE FINAL REPORT DATED
02.02.2022 IN CRIME NO. 1016/2021 OF
THE PULIKEEZHU POLICE STATION,
PATHANAMTHITTA.
- Annexure A3 TRUE COPY OF THE ORDER DATED
20.05.2024 IN CRL. M. P. NO. 3070/2024
BY THE LEARNED ADDL. SESSIONS JUDGE-1
(SPECIAL COURT), PATHANAMTHITTA.
- Annexure A5 TRUE COPY OF THE ORDER DATED
03.09.2025 IN CRL. M. C NO. 1214/2025
IN CRIME NO. 939/2025 OF THE
THRIKODITHANAM POLICE STATION,
KOTTAYAM PASSED BY THE ADDL. SESSIONS
JUDGE - IV, KOTTAYAM.
- Annexure A6 TRUE COPY OF THE B. DIARY PROCEEDINGS
DATED 29.07.2025 IN CRL. M. P. NO.
7642/2025 IN S. C. NO. 157/2022 ON THE
FILES OF ADDL. SESSIONS JUDGE-1
(SPECIAL COURT), PATHANAMTHITTA.

BA No.13033 & 13369 of 2025

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2025:KER:85673

APPENDIX OF BAIL APPL. 13369/2025

PETITIONER ANNEXURES

Annexure A1

A TRUE COPY OF THE FIR IN CRIME
NO.1016/2021 OF PULIKEEZHU POLICE
STATION, PATHANAMTHITTA DISTRICT DATED
03/12/2021