



2025:KER:1451

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

THURSDAY, THE 9TH DAY OF JANUARY 2025 / 19TH POUSHA, 1946

CRL.MC NO. 4 OF 2025

CRIME NO.620/2024 OF CHERANELLOOR POLICE STATION, ERNAKULAM

AGAINST THE ORDER DATED 16.12.2024 IN CMP NO.1940 OF 2024 OF
JUDICIAL MAGISTRATE OF FIRST CLASS -III(MOBILE) , ERNAKULAM

PETITIONER/ACCUSED:

AJIN K V
AGED 34 YEARS
SON OF KUTTAPPAN, AJIN NIVAS, SURYAKODU,
KULTHOOR VILLAGE, UCHAKKADA P.O,
THIRUVANANTHAPURAM DISTRICT, PIN - 695506

BY ADVS.
V.S.MANSOOR
AKHIL BINOY
AHAMMED MIZWAR V.P.

RESPONDENT/COMPLAINANT:

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

BY ADV.
SRI.E.C.BINEESH, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
09.01.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



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C.JAYACHANDRAN, J.

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Dated this, the 09th day of January, 2025

ORDER

The petitioner is aggrieved by the bail conditions imposed in Annexure-1. The offences alleged against the petitioner are under Sections 75(1)(ii)(iii), 78(1)(ii), 79 and 351(2) of Bharatiya Nyaya Sanhita ('BNS', for short).

2. The petitioner is essentially aggrieved by condition nos.1, 2 and 5. As per condition no.1, the petitioner has to appear before the S.H.O., Cheranalloor Police Station, Ernakulam on all Mondays and Saturdays for a period of three months; as per condition no.2, the petitioner/accused has to undergo counselling before a psychologist/counsellor; and as per condition no.5, the petitioner has to do community service in the Government Medical College Hospital, Kalamassery. As regards condition no.1, learned Counsel would submit that the petitioner is employed at Thiruvananthapuram, which renders difficult for him to appear before the S.H.O., on two days in a week, which will



disrupt his official assignments. It has also been pointed out that the petitioner has complied with condition no.1 so far, without fail. Condition no.2 is also unwarranted according to the learned Counsel. As regards condition no.5, it is the submission of the learned counsel for the petitioner that the community service is a punishment in terms of Section 4(f) of the BNS, which cannot be imposed as a bail condition.

3. These submissions are opposed by the learned Public Prosecutor.

4. Having heard the learned Counsel appearing for the respective parties, this Court finds force in the submission made by the learned Counsel for the petitioner. As per Section 4(f) of the BNS, 'community service' is a punishment, which cannot be imposed as a bail condition. In the circumstances, the said condition, being the 5th one in Annexure-1, is hereby dispensed with.

5. As regards, condition no.1, this Court is of the opinion that the purpose of interrogation would be amply



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served, if the petitioner is directed to be appear before the S.H.O. once in a week, namely on Saturdays, at the time stipulated by the learned Magistrate, for two months (instead of three months) and thereafter, as and when required by the Investigating Officer in writing to do so.

Having regard to the offence alleged to have been committed, condition no.2 is unwarranted and hence, hereby dispensed with. This Cr1.M.C. is allowed as indicated above.

Sd/-

C. JAYACHANDRAN

JUDGE

SKP/09-01



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APPENDIX OF CRL.MC 4/2025

PETITIONER'S ANNEXURES:

ANNEXURE 1 A TRUE PHOTOCOPY OF THE ORDER IN C.M.P NO.
1940/2024 DATED 16/12/2024

RESPONDENTS' ANNEXURES: NIL

TRUE COPY

P.A. TO JUDGE