



2025:KER:53855

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

THURSDAY, THE 17TH DAY OF JULY 2025 / 26TH ASHADHA, 1947

BAIL APPL. NO. 7805 OF 2025

CRIME NO.369/2025 OF KODUVALLY POLICE STATION, KOZHIKODE
AGAINST THE ORDER DATED IN CRMP NO.694 OF 2025 OF ADDITIONAL
DISTRICT COURT & SESSIONS COURT - IV, KOZHIKODE / III
ADDITIONAL MACT/RENT CONTROL APPELLATE AUTHORITY - V,
KOZHIKODE

PETITIONER(S)/ACCUSED 1 TO 9:

- 1 RIYAS
AGED 40 YEARS
S/O. HUSSAIN, BHARANIPPARAKUDUKKIL HOUSE,
NARIKKUNI, KOZHIKODE -, PIN - 67358.
- 2 YOOSUF.O.P
AGED 55 YEARS
S/O. ABDULLA, PARAMBIL PURAYIL, PANNIKKOTTUR,
KODUVALLY, KOZHIKODE, PIN, PIN - 673571.
- 3 FAISAL.V.K
AGED 41 YEARS
S/O.ATHRUMAN, VATTAKKANDATHIL, NARIKKUNI,
KOZHIKODE -, PIN - 673585.
- 4 SAHIR ALI.V.P
AGED 31 YEARS
S/O.MUHAMMEDALI VATTAKANDATHIL PURAYIL, NARIKKUNI,
KOZHIKODE, PIN - 673585.
- 5 ASHIQ.V.P
AGED 28 YEARS
S/O.MUHAMMEDALI, VATTAKKANDATHIL, NARIKKUNI,
KOZHIKODE -, PIN - 673585.
- 6 SONU RAJEEV.P.M



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AGED 21 YEARS
S/O.RAJEEVAN PEERIKKORUMALAYIL, ODUPARA,
NARIKKUNI, KOZHIKODE -, PIN - 673585.

- 7 RAHEESURAHMAN.V.P
AGED 33 YEARS
S/O.HUSSAIN, BHARANIPPARAKUDUKKIL HOUSE,
NARIKKUNI, KOZHIKODE -, PIN - 67358.
- 8 MUHAMMED ASHRAF
AGED 51 YEARS
S/O. ABOOBACKER, MEVANGA POYIL, NARIKKUNI,
KOZHIKODE -, PIN - 673585.
- 9 NIDHEESH.E
AGED 31 YEARS
S/O.VASUTTY, PAIKATT MEETHAL, ODUPARA, NARIKKUNI,
KOZHIKODE -, PIN - 673585.

BY ADVS.
SRI.DIPU JAMES
SHRI.A AL FAYAD
SRI.K.M.FIROZ

RESPONDENT(S) :

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - 682031.
- 2 THE STATION HOUSE OFFICER
KODUVALLY POLICE STATION, KODUVALLY P.O.,
KOZHIKODE DISTRICT,, PIN - 673572.
- 3* ASIF RAHMAN (SOUGHT TO BE IMPLEADED)
S/O.ABDUL KHADAR, MEZHUVANGAL HOUSE, PARASSERY
MUKKU, NARIKKUNI, KOZHIKODE DISTRICT, KERALA
*(IS IMPLEADED AS ADDL. SECOND RESPONDENT IN
CRL.M.A. NO.1 OF 2025 IN B.A. NO.7805 OF 2025
DATED 17.07.2025).

BY ADVS.
SHRI.NAJAH EBRAHIM V.P.
SRI.T.SHAJITH
SRI. NOUSHAD K. A. (PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
17.07.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



BECHU KURIAN THOMAS, J.

.....
B.A.No. 7805 of 2025
.....

Dated this the 17th day of July, 2025

ORDER

This bail application is filed under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS').

2. Petitioners are accused 1 to 9 in Crime No. 369/2025 of Koduvally Police Station, Kozhikode, registered alleging offences punishable under Sections 189(2), 191(2), 191(3), 126(2), 115(2), 118(1), 118(2), 110, 190, 296(b) of Bharatiya Nyaya Sanhitha, 2023 (for short, 'BNS').

3. According to the prosecution, the defacto complainant, who is a lawyer, was travelling on his motorcycle on 29.04.2025 at about 10:00 p.m., when the accused restrained him and brutally assaulted him and thereby committed the offences alleged.

4. I have heard Sri. Dipu James, the learned counsel for the petitioner, Sri. Ahammed Mizaar V.P., the learned counsel for the defacto complainant as well as Sri. Noushad K.A., the learned Public Prosecutor.

5. The learned counsel for the petitioner submitted that the entire prosecution allegations are false and no such incident as alleged had occurred. It was also submitted that the document produced as



Annexure R2(b) is a concocted document, as the date of discharge mentioned in the said document is not correct. It was also submitted that petitioner had never assaulted the defacto complainant nor had he suffered any injury and therefore custodial interrogation is not necessary.

6. The learned Public Prosecutor submitted that the allegations are serious and the petitioner has suffered a chest trauma with fracture as well as fracture of the vertebrae, and therefore grievous injuries has been occasioned by use of dangerous weapons and hence, custodial interrogation is necessary.

7. The counsel for the defacto complainant submitted that the defacto complainant is a lawyer whose only mistake was to draft Annexure R3(a) complaint against the petitioners, who are political leaders. It was also submitted that due to the said enmity for having carried out his professional duty, the accused assaulted him, and he suffered two fractures; one on the rib and the other on the vertebrae, and therefore custodial interrogation is necessary, especially to recover the weapon of offence.

8. I have considered the rival contentions.

9. Petitioners are stated to be political leaders who are alleged to have assaulted a practicing lawyer. The prosecution case itself is that the defacto complainant had drafted a complaint against the petitioners on behalf of his client. The complaint drafted by the



defacto complainant is produced as Annexure R3(a). It is evident from a reading of the said complaint that the first petitioner is the first opposite party in the said complaint. The said circumstance indicates a motive for the alleged assault on the defacto complainant. Taking note of the nature of injuries inflicted as well as the nature of weapons allegedly used by the accused, I am of the view that custodial interrogation is necessary.

10. In a recent decision in **P. Krishna Mohan Reddy v. The State of Andhra Pradesh** (2025 LiveLaw SC 598) the Supreme Court had observed that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of pre-arrest bail. It was also observed that success in interrogation will elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. In fact, the court went on to hold that insulating a person from arrest would make his interrogation a mere ritual.

11. Assaulting an Advocate for drafting a complaint cannot be viewed lightly. The fundamental right to have access to courts of law is enabled largely through Advocates. If Advocates are attacked for drafting complaints rule of law will suffer. The attack in the instant case appears to be brutal in the light of Annexure R2(b). The contention that the said document is a concocted document is not supported by any material. The weapon of offence has also to be recovered.



12. Having regard to the seriousness of the allegations and the requirement of the recovery of the weapon of the offence, the petitioners cannot be protected with an order of pre-arrest bail.

Hence, this bail application is dismissed.

Sd/-

**BECHU KURIAN THOMAS
JUDGE**

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APPENDIX OF BAIL APPL. 7805/2025

PETITIONER ANNEXURES

- Annexure A1 A TRUE COPY OF THE FIR IN CRIME NO. 369 OF 2025 OF KODUVALLY POLICE STATION, KOZHIKODE DISTRICT
- Annexure A2 A TRUE COPY OF OP TICKET DATED 30.04.2025 FROM GOVERNMENT GENERAL HOSPITAL, CALICUT
- Annexure A3 A TRUE COPY OF COMPLAINT DATED 30.04.2025 SUBMITTED BY 1ST PETITIONER BEFORE THE 2ND RESPONDENT
- Annexure A4 TRUE COPY OF THE ORDER DATED 10.06.2025 PASSED BY THE HON'BLE SESSIONS COURT, KOZHIKODE IN CRL.M.C. NO. 694 OF 2025

RESPONDENT ANNEXURES

- Annexure R3(a) True copy of the petition drafted by the de-facto complainant dated 10.04.2025
- Annexure R3(b) True copy of OP tickets of Leela dated 09/04/2025
- Annexure R3(c) True copy of the copy of the discharge card dated 05.05.2025
- Annexure R3(d) True copy of the letter dated 21.06.2025 sent by the Defaco complainant to the DYSP, Thamarassery along with the postal receipt