2025:KER:30851

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

BAIL APPL. NO. 4873 OF 2025

CRIME NO.190/2025 OF Kalpetta Police Station, Wayanad

PETITIONER/S:

C.K DINESAN
AGED 53 YEARS
S/O NARAYANA KURUP, CHIRAKKAL KALARIKKAL HOUSE,MUNDERI, KALPETTA. P.O., WAYANAD DISTRICT, PIN - 673121

BY ADVS.
DAISY A.PHILIPOSE
JAI GEORGE
DARSHAN A.D.

RESPONDENT/S:

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

OTHER PRESENT:

SR PP-HRITHWIK C S

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.04.2025, ALONG WITH Bail Appl..4580/2025, 4592/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:30851

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

BAIL APPL. NO. 4580 OF 2025

CRIME NO.195/2025 OF Kalpetta Police Station, Wayanad

PETITIONER/S:

C.K.DINESAN
AGED 53 YEARS
S/O NARAYANA KURUP, CHIRAKKAL KALARIKKAL HOUSE,MUNDERI, WAYANAD DISTRICT, PIN - 673121

BY ADVS.
DAISY A.PHILIPOSE
JAI GEORGE
DARSHAN A.D.

RESPONDENT/S:

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

OTHER PRESENT:

SR PP-NOUSHAD K A

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.04.2025, ALONG WITH Bail Appl..4873/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:30851

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

BAIL APPL. NO. 4592 OF 2025

CRIME NO.206/2025 OF Makkiyad Forest Station Office, Wayanad

PETITIONER/S:

C.K DINESAN
AGED 53 YEARS
S/O NARAYANA KURUP CHIRAKKAL KALARIKKAL HOUSE,MUNDERI, KALPETTA. P.O., WAYANAD DISTRICT, PIN - 673121

BY ADVS.
DAISY A.PHILIPOSE
JAI GEORGE
DARSHAN A.D.

RESPONDENT/S:

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

OTHER PRESENT:

SR PP-HRITHWIK C S

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.04.2025, ALONG WITH Bail Appl..4873/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:30851

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

BAIL APPL. NO. 4595 OF 2025

PETITIONER/S:

C.K.DINESAN
AGED 53 YEARS
S/O NARAYANA KURUP CHIRAKKAL KALARIKKAL HOUSE,MUNDERI, KALPETTA. P.O., WAYANAD DISTRICT, PIN - 673121

BY ADVS.
DAISY A.PHILIPOSE
JAI GEORGE
DARSHAN A.D.

RESPONDENT/S:

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

OTHER PRESENT:

PP-SEENA C

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.04.2025, ALONG WITH Bail Appl..4873/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:30851

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

BAIL APPL. NO. 4598 OF 2025

PETITIONER/S:

C.K.DINESAN
AGED 53 YEARS
S/O NARAYANA KURUP, CHIRAKKAL KALARIKKAL HOUSE,MUNDERI, KALPETTA. P.O., WAYANAD DISTRICT, PIN - 673121

BY ADVS.
DAISY A.PHILIPOSE
JAI GEORGE
DARSHAN A.D.

RESPONDENT/S:

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

OTHER PRESENT:

SRI.NOUSHAD.K.A, SR.PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.04.2025, ALONG WITH Bail Appl..4873/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:30851

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

BAIL APPL. NO. 4601 OF 2025

CRIME NO.252/2025 OF Kalpetta Police Station, Wayanad

PETITIONER/S:

C.K DINESAN
AGED 53 YEARS
AGED 53 YEARS S/O NARAYANA KURUP, CHIRAKKAL KALARIKKAL HOUSE,MUNDERI, WAYANAD DISTRICT, PIN - 673121

BY ADVS.
DAISY A.PHILIPOSE
JAI GEORGE
DARSHAN A.D.

RESPONDENT/S:

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

OTHER PRESENT:

SR PP-HRITHWIK C S

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.04.2025, ALONG WITH Bail Appl..4873/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:30851

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

BAIL APPL. NO. 4615 OF 2025

CRIME NO.173/2025 OF Kalpetta Police Station, Wayanad

PETITIONER/S:

C.K.DINESAN
AGED 53 YEARS
S/O NARAYANA KURUP, CHIRAKKAL KALARIKKAL HOUSE,MUNDERI, KALPETTA. P.O., WAYANAD DISTRICT, PIN - 673121

BY ADVS.
DAISY A.PHILIPOSE
JAI GEORGE
DARSHAN A.D.

RESPONDENT/S:

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

OTHER PRESENT:

PP-SEENA C

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.04.2025, ALONG WITH Bail Appl..4873/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:30851

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

BAIL APPL. NO. 4879 OF 2025

CRIME NO.186/2025 OF Kalpetta Police Station, Wayanad

PETITIONER/S:

C.K.DINESAN
AGED 53 YEARS
S/O NARAYANA KURUP, CHIRAKKAL KALARIKKAL HOUSE,MUNDERI, KALPETTA. P.O., WAYANAD DISTRICT, PIN - 673121

BY ADVS.
DAISY A.PHILIPOSE
JAI GEORGE
DARSHAN A.D.

RESPONDENT/S:

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

OTHER PRESENT:

SR PP-NOUSHAD K A

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.04.2025, ALONG WITH Bail Appl..4873/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:30851

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

BAIL APPL. NO. 5302 OF 2025

CRIME NO.183/2025 OF Mananthavady Police Station, Wayanad

PETITIONER/S:

P.V. VARGHESE
AGED 57 YEARS
PUTHETTU HOUSE, VARAYAL P.O., WAYANAD DISTRICT, PIN - 670644

BY ADVS.
DAISY A.PHILIPOSE
JAI GEORGE
DARSHAN A.D.

RESPONDENT/S:

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

OTHER PRESENT:

SRI.HRITHWIK.C.S, SR.PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.04.2025, ALONG WITH Bail Appl..4873/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:30851

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

BAIL APPL. NO. 5304 OF 2025

CRIME NO.174/2025 OF Mananthavady Police Station, Wayanad

PETITIONER/S:

P.V. VARGHESE
AGED 57 YEARS
PUTHETTU HOUSE, VARAYAL P.O., WAYANAD, PIN - 670644
BY ADVS.
DAISY A.PHILIPOSE
JAI GEORGE
DARSHAN A.D.

RESPONDENT/S:

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

OTHER PRESENT:

SMT.SEENA.C, PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.04.2025, ALONG WITH Bail Appl..4873/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:30851

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

BAIL APPL. NO. 5307 OF 2025

CRIME NO.182/2025 OF Mananthavady Police Station, Wayanad

PETITIONER/S:

P.V. VARGHESE
AGED 57 YEARS
PUTHETTU HOUSE, VARAYAL P.O., WAYANAD DISTRICT, PIN - 670644

BY ADVS.
DAISY A.PHILIPOSE
JAI GEORGE
DARSHAN A.D.

RESPONDENT/S:

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

OTHER PRESENT:

SRI.NOUSHAD.K.A, SR.PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.04.2025, ALONG WITH Bail Appl..4873/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:30851

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

BAIL APPL. NO. 5317 OF 2025

CRIME NO.180/2025 OF Mananthavady Police Station, Wayanad

PETITIONER/S:

P.V. VARGHESE
AGED 57 YEARS
PUTHETTU HOUSE, VARAYAL P.O., WAYANAD DISTRICT, PIN - 670644

BY ADVS.
DAISY A.PHILIPOSE
JAI GEORGE
DARSHAN A.D.

RESPONDENT/S:

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

OTHER PRESENT:

SRI.NOUSHAD.K.A, SR.PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.04.2025, ALONG WITH Bail Appl..4873/2025 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:30851

P.V.KUNHIKRISHNAN, J

–----------

B.A. Nos. 4580, 4592, 4595, 4598, 4601, 4615 4873, 4879, 5302, 5304, 5307 and 5317 of 2025

Dated this the 8th day of April, 2025

O R D E R

These Bail Applications are filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita. These bail applications are connected and therefore, I am disposing of these bail applications by a common order.

2. Petitioners are accused in different crimes of different Police Stations. The petitioner in B.A. Nos.4615/2025, 4879/2025, 4873/2025, 4580/2025, 4592/2025, 4595/2025, 4598/2025, and 4601/2025 is the accused in Crime Nos. 173/2025, 186/2025, 190/2025, 195/2025, 206/2025, 207/2025, 226/2025 and 252/2025 of Kalpetta Police Station respectively, and petitioner in B.A. No.5304/2025, 5317/205, 5307/2025, 5302/2025 is the accused in Crime No.174/2025, 180/2025,

2025:KER:30851

182/2025 and 183/2025 of Mananthavady Police Station respectively.

3. The brief facts in almost all the cases are as follows:

4. There is an offer from the accused to the victims in these cases that they will provide scooter, home appliances, laptop, water tank, grocery kits etc. with 50% subsidy from CSR fund. Therefore, the victims paid huge amounts to the accused. But the assured articles were not supplied and the amount was also not returned. Therefore, these cases are registered.

5. Heard the learned counsel appearing for the petitioners and the learned Public Prosecutor.

6. The counsel appearing for the petitioners submitted that the petitioners are ready to abide any conditions if this Court grant them bail.

7. The Public Prosecutor opposed the bail applications.

8. This Court considered the contentions of the petitioners and the Public Public Prosecutor. Admittedly, in this

2025:KER:30851

case, the maximum punishment that can be imposed for the offences alleged are up to 7 years. Therefore, whether the arrest of the petitioners is necessary, is to be decided by the Investigating Officer in accordance with the principle laid down by the Apex Court in **Arnesh Kumar v. State of Bihar and Another** [2014 (8) SCC 273]. It will be better to extract the relevant portion of the above judgment:

> "7. xxxxxxxxx
>
> 7.1. From a plain reading of the aforesaid provision, it is evident that all person accused of an offence punishable with imprisonment for a term which may be less than seven years or which may extend to seven years with or without fine, cannot be arrested by the police officer only on his satisfaction that such person had committed the offence punishable as aforesaid. A police officer before arrest, in such cases has to be further satisfied that such arrest is necessary to prevent such person from committing any further offence; or for proper investigation of the case, or to prevent the accused from causing the evidence of the offence to disappear; or tampering with such evidence in any manner; or to prevent such person from making any inducement, threat or promise to a witness so as to dissuade him from disclosing such facts to the court or the police officer, or unless such accused person is arrested, his conclusions, which one may reach based on facts.

7.2. The law mandates the police officer to state the facts and record the reasons in writing which led him to come to a conclusion covered by any of the provisions aforesaid, while making such arrest. The law further requires the police officers to record the reasons in writing for not making the arrest.

7.3. In pith and core, the police officer before arrest must put a question to himself, why arrest? Is it really required? What purpose it will serve? What object it will achieve? It is only after these questions are addressed and one or the other conditions as enumerated above is satisfied, the power of arrest needs to be exercised. In fine, before arrest first the police officers should have reason to believe on the basis of information and material that the accused has committed the offence. Apart from this, the police officer has to be satisfied further that the arrest is necessary for one or the more purposes, envisaged by sub-clauses (a) to (e) of clause (1) of Section 41 CrPC."

9. Therefore, whether the arrest of the petitioners is necessary or not, is to be decided by the Investigating Officer after interrogation. For that purpose, there can be a direction to the petitioners to surrender before the Investigating Officer within three weeks from today. The petitioners will appear before the Investigating Officer on consecutive days from 10 AM to 4 PM.

2025:KER:30851

During the above period, the petitioners shall not be arrested. After interrogation, if the arrest of the petitioners is not necessary, the Investigating Officer will do the needful in accordance with law. If the arrest of the petitioners is necessary, the Investigating Officer will strictly follow the principle laid down by the Apex Court in **Arnesh Kumar**'s case (supra). After recording the arrest, the petitioners shall be produced before the jurisdictional court on the same day itself. At that time, the petitioners can file a bail application before the jurisdictional court with advance copy to the prosecutor concerned. If such bail application is received, the jurisdictional court can consider the bail application on the date of filing of the same itself. The jurisdictional court shall consider the bail application in the light of the principle laid down by the Apex Court in **Arnesh Kumar**'s case (supra).

Therefore, these bail applications are disposed of with the following directions.

1) The petitioners will surrender before the Investigating Officer within three weeks from today.

2) If the petitioners surrender before the Investigating

Officer as directed above, the Investigating Officer is free to interrogate the petitioners. The Investigating Officer is free to ask the petitioners to appear on consecutive days if necessary, but they shall not be arrested, till interrogation is over.

3) If the Investigating Officer feels that the arrest is inevitable, even after interrogation, the Investigating Officer shall follow the principle laid down by the Apex Court in **Arnesh Kumar**'s case (supra) and shall produce the accused before the jurisdictional court on the date on which the arrest is recorded.

4) The petitioners are free to file bail applications before the jurisdictional court at the time of producing them as directed above. If such a bail application is filed with advance copy to the prosecutor concerned, the jurisdictional court will consider that bail application in accordance with law and pass appropriate orders in it preferably on the date of filing of the same itself. While deciding the bail application, the jurisdictional court shall scrupulously consider whether the

2025:KER:30851

Investigating Officer followed the principle laid down by the Apex Court in **Arnesh Kumar**'s case (supra).

Sd/-
P.V.KUNHIKRISHNAN
JUDGE

SKS