



2025:KER:19622

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 7TH DAY OF MARCH 2025 / 16TH PHALGUNA, 1946

BAIL APPL. NO. 2830 OF 2025

CRIME NO.1/2025 OF NEMOM POLICE STATION, THIRUVANANTHAPURAM

PETITIONER(S)/ACCUSED:

SAMMIL
AGED 25 YEARS, S/O. KHADAR, THAIVILA VEEDU,
TC 56/494, NEAR SIVAN KOVIL LANE,
KARAKKAMANDAPAM, MELAMCODE, NEMOM P.O.,
THIRUVANANTHAPURAM, PIN - 695 020

BY ADVS.
GIRISH KUMAR M S
AKASH S.
RICHU THERESA ROBERT

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM, (SHO, NEMOM POLICE
STATION), PIN - 682 031

BY ADV.:

SRI. NOUSHAD K A, SR.PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07.03.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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P.V.KUNHIKRISHNAN, J.

BA No.2830 of 2025

Dated this the 07th day of March, 2025

ORDER

This Bail Application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

2. The petitioner is an accused in Crime No.01/2025 of Nemom Police Station, Thiruvananthapuram. The above case is registered against the petitioner alleging offences punishable under Sections 118(1) and 109 of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. This is a sad story of a mother. The petitioner herein who is aged 25 years,



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demanded money from his mother, who is the victim in this case, for the purpose of celebrating the new year eve. The mother refused to pay the amount. Then the petitioner went out of the house and came back with a knife and inflicted cut injuries on the head, face and hand of the victim with a view to commit murder. Hence, it is alleged that the accused committed the offence. The petitioner was arrested on 01.01.2025.

4. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor.

5. The counsel for the petitioner submitted that the petitioner is in custody from 01.01.2025 and he is ready to abide any conditions imposed by this Court, if this Court grants him bail. The counsel also submitted that the incident is not



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happened as alleged by the prosecution.

6. The Public Prosecutor seriously opposed the bail application. Public Prosecutor submitted that the mother sustained 12 injuries all over the body.

7. The mental condition of the youngsters of our country is astonishing and disturbing. For not paying money for celebrating new year eve, the petitioner attacked his own mother and inflicted serious injuries. There is a malayalam proverb, which read like this: "അമ്മയെയും പെങ്ങളെയും തിരിച്ചറിയാത്തവൻ". When this case came up for consideration, this Court took a stand that, unless the mother submit before this Court that she has no grievance against the petitioner, this Court will not grant bail to the petitioner.



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Now, an affidavit is filed by the mother stating that she has no objection to grant him bail. The Public Prosecutor instructed the Investigating Officer to verify the statement. The Public Prosecutor submitted that a statement of mother is recorded and the same is handed over to the Court. The statement of the mother will further sadden everybody, which reads like this:

"എന്റെ മകൻ ജയിലിൽ കഴിയുന്നതിൽ ഒരമ്മ എന്നനിലയ്ക്കു എനിക്ക് സഹിക്കാൻ പറ്റുന്നില്ല."

8. This sentence contain the tears of this unfortunate mother. I am sure that the wounds on her body might not have been healed. But her love to her son over takes the wounds. Thinking the fate and trauma facing by the mother, I am forced to grant bail to the petitioner. A mother's love for her son is like a rose - it will bloom



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forever. There is no purpose in blaming the young generation. The society and parents should watch them closely and monitor that their relationship is with good people. No purpose will be served by retaining this youngster in detention, to continue the trauma of his mother. He can be released on bail after imposing stringent conditions. There will be a direction to the petitioner to appear before the Investigating Officer on all Mondays at 10.00 AM, till final report is filed.

Hence, this Bail Application is allowed with the following conditions:

- 1. Petitioner shall be released on bail on executing a bond for Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the like*



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sum to the satisfaction of the jurisdictional Court.

- 2. The petitioner shall appear before the Investigating Officer for interrogation as and when required. The petitioner shall co-operate with the investigation and shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.*
- 3. Petitioner shall not leave India without permission of the jurisdictional Court.*
- 4. Petitioner shall not commit an*



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offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

5. *The petitioner shall appear before the Investigating Officer on all Mondays at 10.00 AM, till final report is filed.*
6. *If there is any criminal activity from the petitioner, the mother of the petitioner can report the same to the jurisdictional police station and the Station House Officer can file appropriate application to the jurisdictional court to cancel the bail and if such an application is received, the jurisdictional court can*



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cancel the bail.

7. *If any of the above conditions are violated by the petitioner, the jurisdictional Court can cancel the bail in accordance with law, even though the bail is granted by this Court. The prosecution and the victim are at liberty to approach the jurisdictional court to cancel the bail, if there is any violation of the above condition.*

Sd/-

**P.V.KUNHIKRISHNAN
JUDGE**

nvj