



2026:KER:46977

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

TUESDAY, THE 30TH DAY OF JUNE 2026 / 9TH ASHADHA, 1948

BAIL APPL. NO. 3208 OF 2026

CRIME NO.7/2026 OF VACB, ALAPPUZHA, Alappuzha

PETITIONER:

ANIL KUMAR T,
AGED 55 YEARS
S/O. THOMAS, JOSEVILASAM HOUSE, PADAPPAKKARA P.O,
PERAYAM, KOLLAM DISTRICT, PIN - 691503

BY ADVS.
SRI.R.ANIL
SRI.A.RAJESH
SHRI.ANANTH KRISHNA K.S.
SHRI.GEORGE VINCI JOSE

RESPONDENT:

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

BY ADV REKHA S SR PP

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON
17.06.2026, THE COURT ON 30.06.2026 DELIVERED THE FOLLOWING:

**ORDER**

Dated this the 30th day of June, 2026

This bail application has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail and the petitioner is the sole accused in V.C.No.7 of 2026 of VACB, Alappuzha.

2. Heard the learned counsel for the petitioner as well as the learned Public Prosecutor, in detail. Perused the documents, including the case diary and report furnished by the learned Public Prosecutor.

3. The case of the prosecution is that the accused while working as the Dy.S.P., Cherthala demanded an amount of Rs.2 lakh from the de facto complainant as illegal gratification in order to release four vehicles belonged to him, which alleged to be used for dumping waste. Further, he



B.A.No.3208 of 2026

demanded an amount of Rs.1 lakh as advance and Rs.25,000/- on monthly basis in order to run the above said business smoothly. The demand was made by the petitioner on 15.05.2026, and the de facto complainant informed this matter to the Vigilance Unit, Alappuzha. Accordingly, a trap was laid and the petitioner caught red-handed with Rs.50,000/-, which was given by the de facto complainant as per the demand of the petitioner. It is alleged by the prosecution that the petitioner misused his position as a public servant and received the bribe amount. Thereby the petitioner alleged to have committed the aforesaid offences.

4. The learned counsel for the petitioner argued that in this case, the grounds for arrest were not communicated to the petitioner as mandated in the decision in **Mihir Rajesh Shah v. State of Maharashtra [2025 KHC 6915]**, wherein the Apex Court in paragraph 56 held as under;



"56. In conclusion, it is held that:

i) The constitutional mandate of informing the arrestee the grounds of arrest is mandatory in all offences under all statutes including offences under IPC 1860 (now BNS 2023);

ii) The grounds of arrest must be communicated in writing to the arrestee in the language he/she understands;

iii) In case(s) where, the arresting officer/person is unable to communicate the grounds of arrest in writing on or soon after arrest, it be so done orally. The said grounds be communicated in writing within a reasonable time and in any case at least two hours prior to production of the arrestee for remand proceedings before the magistrate.

iv) In case of non compliance of the above, the arrest and subsequent remand would be rendered illegal and the person will be at liberty to be set free."

Therefore, the arrest is illegal and in that view of the matter, the petitioner is liable to be released forthwith.

5. The learned Public Prosecutor vehemently



B.A.No.3208 of 2026

opposed grant of bail to the petitioner. She submitted that the petitioner herein is a senior police officer, holding the rank of the Deputy Superintendent of Police. But he had demanded Rs.2 lakh as illegal gratification for the purpose of releasing four vehicles seized by him from the de facto complainant and thereafter, he had accepted Rs.50,000/- on 27.05.2026 as part of trap proceedings and he was arrested red handed with the trap money. Thereafter, phenolphthalein test was conducted and the same showed positive result justifying the prosecution case. It is further submitted that even though the petitioner was arrested and prepared necessary documents including arrest memo, remand application, entrustment mahazar, recovery mahazar etc; reciting the grounds of arrest, when copy of the remand application which would recite the grounds of arrest had been given to the petitioner, he was reluctant to accept



the same and he had refused to put his signature acknowledging receipt of the same. Therefore, non-furnishing of grounds of arrest canvassed by the learned counsel for the petitioner to hold his arrest as illegal cannot be countenanced, in the facts of this case. Grant of bail also was opposed by the learned Public Prosecutor pointing out the premature stage of investigation.

6. Adverting to the rival contentions, when the prosecution records are gone through, demand of bribe to the tune of Rs.2 lakh for releasing four vehicles belonged to the de-facto complainant and acceptance of Rs.50,000/- on 27.05.2026 as part of trap to be found *prima facie*. In the remand application, it is stated that, the accused accepted the money at the house of Sri.Syam, S/o.Vasudevan, where he has been residing as a tenant, and when it was informed to the police and when the police asked the petitioner to open the



door, he refused to do so and locked the door and sat inside. Then, the Vigilance Dy.SP attempted to open the door of the house where the bribe money accepted, the petitioner escaped and reached the top of the staircase with a sickle to attack the vigilance team.

7. In the remand report, it is stated that the accused purposefully refused to put his signature in the records of the arrest as it is narrated that the accused was not inclined to put his signature to acknowledge the receipt of documents which would recite grounds of arrest. On perusal of the remand report, contention raised by the learned counsel for the petitioner that grounds of arrest were not served upon the petitioner cannot be accepted, since as submitted by the the learned Public Prosecutor and as discernible from the prosecution records that when grounds of arrest were intimated to him, he refused to accept the same. In the said



B.A.No.3208 of 2026

circumstances, grant of bail canvassed by the learned counsel for the petitioner on the sole ground of non-intimation of grounds of arrest would not sustain in the eyes of law and the same is dispelled.

In coming back, the petitioner, who has no criminal antecedents has been in custody from 27.05.2026 and the prosecution records would reveal that, further custody of the petitioner, for the purpose of investigation is not necessary and he can be enlarged on bail. Therefore, this petition stands allowed. The petitioner is enlarged on bail on conditions:

(i) The petitioner shall be released on bail on executing bond for Rs.2,00,000/- (Rupees Two Lakh Only) with two solvent sureties, each for the like amount to the satisfaction of the Jurisdictional court concerned.

ii. The petitioner shall not intimidate the



B.A.No.3208 of 2026

witnesses or tamper with evidence. He shall cooperate with the investigation and shall be available for trial.

iii. The petitioner shall appear before the Investigating Officer as and when directed, apart from appearing before the Investigating Officer on all Mondays between 9 am and 10 am, for a period of four months or till the completion of investigation, whichever is earlier.

iv. The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of this case, so as to dissuade him from disclosing such facts to the court or to any police officer.

v. The petitioner shall not enter his office until further orders from the court or from the Special Court.

vi. The petitioner shall not involve in any other offence during the currency of bail and any



B.A.No.3208 of 2026

such event, if reported or came to the notice of this court, the same alone shall be a reason to cancel the bail hereby granted.

vii. The petitioner shall not leave India without prior permission of the Jurisdictional Court.

viii. Violation of any of the conditions imposed shall result in cancellation of the bail hereby granted.

Sd/-

**A. BADHARUDEEN
JUDGE**

scl



APPENDIX OF BAIL APPL. NO. 3208 OF 2026

PETITIONER ANNEXURES

- Annexure -1. A COPY OF THE FIR IN V.C. NO. 7 /2026 OF
VACB , ALAPPUZHA UNIT DATED 27-5-2026**
- Annexure -2. A COPY OF THE ORDER OF THE SPECIAL COURT
IN CRL.M.P. NO. 742/2026**