



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

MONDAY, THE 27TH DAY OF JULY 2026 / 5TH SRAVANA, 1948

BAIL APPL. NO. 3944 OF 2026

CRIME NO.215/2026 OF Kuthuparamba Police Station, Kannur

PETITIONER/ACCUSED NO.1:

ISMAIL C, AGED 37 YEARS
S/O.ABDUL RASAK, CHINGAMTHOTTATHIL HOUSE,
PO.KOTTAYAM(MALABAR), KUTHUPARAMBA, KANNUR
DISTRICT, PIN - 670643

BY ADVS.SHRI.M.P.PRIYESHKUMAR
SRI.SHANAVAS NALAKATH RANDUPURAYIL

RESPONDENT/STATE & COMPLAINANT:

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

SRI. THOMAS SABU VADAKEKUT, PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
27.07.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**ORDER**

This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, BNSS), seeking pre-arrest bail.

2. The applicant is the accused No.1 in Crime No.215/2026 of Kuthuparamba Police Station, Kannur District. The offences alleged are punishable under Section 109(1) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 5 of the Explosive Substances Act, 1908.

3. The prosecution case, in short, is that the applicant and one Afneed, the son of Ashraf, residing in Meruvambayi in Mangattidam Grama Panchayath, were on inimical terms pursuant to a business dispute between them in Oman. Due to the said enmity, with intent to kill the said Afneed and his family, the applicant, hatched a criminal conspiracy with the other accused, who are yet to be identified, and on 16.04.2026, during night, the accused persons went to the Meruvambayi area in a Creta car bearing Registration No. KL-58-AA-0232, owned by the applicant, and on a motorbike; and in the early morning at 01:20 am on 17.04.2026, they hurled a steel



bomb into the bedroom area of the house where the de facto complainant resided, which was situated about 50 meters away from the house where the said Ashraf resided, by mistaking the house of the de facto complainant as the house of the said Ashraf. Fortunately, the bomb hit the window glass, causing the glass to break, and the steel bomb remained unexploded. The accused persons have thus attempted to commit murder and used explosive substances.

4. I have heard Sri. Priyesh Kumar M.P., the learned counsel for the applicant and Sri. Thomas Sabu Vadakekut, the learned Public Prosecutor. Perused the case diary.

5. The learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case. The counsel further submitted that no materials are on record to connect the applicant with the alleged crime; hence, he is entitled to bail. The learned Public Prosecutor, on the other hand, submitted that the alleged incident occurred as part of the applicant's intentional criminal acts, and if he is released on bail at this stage, it will affect the course of the investigation.

6. The law regarding the grant or refusal of pre-arrest bail is well settled. Pre-arrest bail cannot be granted as a



matter of course. The power under Section 482 of BNSS could be exercised only when a special case is made out, that too, recording reasons thereof. Perusal of the case diary reveals that the accusation made against the applicant is very serious in nature, and it *prima facie* shows a premeditated criminal act on his part. The applicant admits that the car in question in which the assailants came to the house of the de facto complainant to throw bomb belongs to him. He has no explanation as to who used the same at the time of the incident, that too at mid night.

The investigation is in a preliminary stage. The custodial interrogation of the applicant is necessary for the investigation. As rightly argued by the learned Public Prosecutor, the possibility of the applicant influencing the witnesses and interfering with the investigation cannot be ruled out if he is released on bail. Considering the gravity of the offence and stage of the investigation, I am of the view that this is not a fit case where the extraordinary jurisdiction vested with this Court under Section 482 of BNSS could be invoked. The bail application is, accordingly, dismissed.

Sd/-

DR. KAUSER EDAPPAGATH
JUDGE



APPENDIX OF BAIL APPL. NO. 3944 OF 2026

PETITIONER ANNEXURES

Annexure A	TRUE COPY OF THE FIR IN CRIME NUMBER 215/2026 OF KUTHUPARAMBA POLICE STATION, KANNUR
Annexure B	TRUE COPY OF THE ORDER OF THE SESSIONS COURT, THALASSERY DATED 10.07.2026 IN BA 724/2026