



2026:KER:70303

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

THURSDAY, THE 10TH DAY OF SEPTEMBER 2026/19TH BHADRA, 1948

BAIL APPL. NO. 4806 OF 2026

CRIME NO.49/2026 OF Valappatanam Police Station, Kannur

PETITIONER/SOLE ACCUSED:

PARAMASIVAM,
AGED 36 YEARS
S/O.KALIMUTHU ,OTHAVEEDU HOUSE, PANVADALI
KSHATHRAM,SHANKARAN KOVIL, THIRUNELVELI,
THAMILNADU, PIN - 627001

BY ADV SMT.K.LASITHA

RESPONDENT/COMPLAINANT:

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

SRI.V. VINAY, SR. PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10.09.2026, ALONG WITH Bail Appl.4925/2026, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:



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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

THURSDAY, THE 10TH DAY OF SEPTEMBER 2026/19TH BHADRA, 1948

BAIL APPL. NO. 4925 OF 2026

CRIME NO.734/2026 OF Chittur Police Station, Palakkad

AGAINST THE ORDER DATED 20.08.2026 IN Bail Appl.
NO.4685 OF 2026 OF HIGH COURT OF KERALA

PETITIONER/ACCUSED:

SIRAJ VAZHAYIL @ SAJI THANEERKATTIL,
AGED 42 YEARS
S/O. HANEEFA, THEKKE VEETIL, PANCHAYATH PADI,
POOKOTTUR, MALAPPURAM, PIN - 676517

BY ADV SHRI. SHAHBAS M.

RESPONDENT/STATE:

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

SRI.V. VINAY, SR. PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10.09.2026, ALONG WITH Bail Appl.4806/2026, THE COURT
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"C.R."

ORDER

Though these regular bail applications are unconnected, I am constrained to dispose of them together, as both have been filed in patent disregard of the directions of the Supreme Court in *Zeba Khan v. State of U.P. and Others* (2026 SCC OnLine SC 188) and the Official Memorandum No. HCKL/9590/2025-DI-1 dated 13.03.2026 issued by this Court.

2. BA No.4806/2026 arises from Crime No.49/2026 of Valapattanam Police Station, Kannur District. The applicant is the sole accused. The offences alleged are punishable under Section 75(2) of the Bharatiya Nyaya Sanhita, 2023 ("BNS") and Sections 9(m) read with 10 of the Protection of Children from Sexual Offences Act, 2012 ("PoCSO Act"). The prosecution case, in brief, is that on 22.01.2026 at about 18:30 hours, while the victim, a minor girl aged 11 years, was proceeding along the Kattamballi-Parappil Bhagavathi Temple road with CW2 to her relatives' house to change attire for a marriage function, and on reaching near the shop "Habeeb Bake N Cool," the applicant, who approached from the opposite direction, sexually harassed her by tightly holding her stomach with sexual intent, thereby committing the alleged



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offences.

3. BA No.4925/2026 arises from Crime No.734/2026 of Chittur Police Station, Palakkad District. The applicant is the sole accused. The offences alleged are punishable under Section 75(1)(i) of the BNS and Section 8 read with Section 7 of the PoCSO Act. The prosecution case, in brief, is that on 18.07.2026 at about 20:00 hours, the applicant induced the survivor, a girl child aged 16 years, to believe that she was possessed by a ghost. He then called her to a rented house at Manalthod, KK Pathi, 5th Mile, where he was residing. After locking the survivor and her family members from outside, he took her into a room under the pretext of prayers, threatened her, lifted her top garment, pressed her stomach and chest, kissed her lips, and subjected her to aggravated sexual assault with sexual intent, thereby committing the alleged offences.

4. I have heard Smt.Lasitha Kovukkal, the learned counsel for the applicant in BA No.4806/2026, Sri.Shahbas M., the learned counsel for the applicant in BA No.4925/2026 and Sri.V.Vinay, the learned Senior Public Prosecutor. Perused the case diaries.

5. The learned counsel for the applicants submitted that the applicants are innocent and have been falsely



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implicated in the present cases. The counsel further submitted that no material is on record to connect the applicants with the alleged crimes; hence, they are entitled to bail. On the other hand, the learned Senior Public Prosecutor submitted that the alleged incidents occurred as a part of the intentional criminal acts of the applicants, and they are not entitled to bail at this stage.

6. The applicant in BA No.4806/2026 was remanded to judicial custody on 23.1.2026 and the applicant in BA No.4925/2026 was remanded to judicial custody on 21.7.2026. A perusal of the case diaries in both the cases would reveal that the accusation against the applicants is very serious, and it *prima facie* shows a premeditated criminal act on their part. The applicant in BA No.4806/2026 has criminal antecedents. Considering the nature of the crime, the gravity of the offence, the complicity of the applicants in it, and the facts and circumstances mentioned above, I am of the view that the applicants cannot be released on bail at this stage.

7. In ***Zeba Khan*** (supra), the Supreme Court mandated that every applicant seeking bail, at any stage of the proceedings, is under a solemn obligation to disclose all material particulars, including criminal antecedents and the



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existence of coercive processes such as non-bailable warrants, declaration as a proclaimed offender, or similar proceedings, duly supported by an affidavit, to ensure uniformity, transparency, and integrity in bail adjudication. The Supreme Court further directed that the bail application must mandatorily specify details of any earlier bail application already decided, as well as particulars of any pending bail application in any court, and, if none is pending, a clear statement to that effect shall be filed. Copies of orders passed in earlier bail applications, if available, are also required to be produced along with the application. In paragraph 49 of the judgment, the Supreme Court has delineated an illustrative disclosure framework. In furtherance of these directions, the High Court of Kerala, by Official Memorandum No. HCKL/9590/2025-DI-1 dated 13.03.2026, has instructed all courts exercising criminal jurisdiction in the State to insist upon the following disclosures in bail applications:

(A) CASE DETAILS

1. FIR Number & Date
2. Police Station, District and State
3. Sections invoked
4. Maximum punishment prescribed

(B) CUSTODY & PROCEDURAL COMPLIANCE

1. Date of Arrest



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2. Total period of custody undergone

(C) STATUS OF TRIAL

1. Stage of proceedings (Investigation / Charge sheet / Cognizance / Framing of charges / Trial)
2. Total number of witnesses cited in the charge sheet
3. Number of prosecution witnesses examined

(D) CRIMINAL ANTECEDENTS (If any)

1. FIR No. & Police Station
2. Sections
3. Status (Pending/Acquitted/Convicted)

(E) PREVIOUS BAIL APPLICATIONS

1. Court (Magistrate Court/District Court/High Court/Supreme Court)
2. Case No.
3. Outcome of case

(F) COERCIVE PROCESSES

1. Whether any Non-Bailable Warrant was issued
2. Whether declared a proclaimed offender

8. In B.A. No. 4925/2026, the applicant had earlier preferred B.A. No. 4685/2026 before this Court, which was dismissed on merits on 20.08.2026. The present application has been filed on 30.08.2026, merely ten days after the dismissal of the earlier one. However, the applicant has suppressed the order passed in the first bail application. On the contrary, in Ground 'J' of the present application, he has categorically stated that he has not filed any other regular bail application before this Court or any other court.

9. Annexure A1 produced in B.A. No. 4806/2026 is the



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order of dismissal of the bail application passed by the Sessions Court, Thalassery. In paragraph 8 thereof, the Sessions Court rejected the bail plea, taking into account the criminal antecedents of the applicant, and recorded that he is involved in eight criminal cases. In the present bail application, however, the applicant has suppressed his criminal antecedents; on the contrary, in Ground 'D' he has asserted that none of the criminal cases referred to in Annexure A1 is presently pending. A report was accordingly called for from the Investigating Officer, who has reported that the investigation in Crime No. 47/2026 of Valapattanam Police Station and Crime No. 41/2026 of Kannur City Police Station has been completed, final reports have been filed, and the cases are pending before the Judicial First Class Magistrate Court-II, Kannur, as C.C. No. 482/2026 and C.C. No. 194/2026 respectively. It is further reported that the applicants had entered appearance in those cases, which are still pending.

10. It is thus evident that both the present bail applications have been filed in total disregard of the mandate of the Supreme Court in *Zeba Khan* (supra) and the Official Memorandum of this Court dated 13.03.2026.

11. This Court notes with concern that in the majority



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of bail applications filed before this Court, as well as those filed before the trial courts, the mandatory directions in ***Zeba Khan*** (supra) are seldom complied with. The Supreme Court issued these directions to streamline bail proceedings and to ensure that the court is apprised of the criminal antecedents of the applicant and of the pendency or disposal of earlier bail applications, if any. These directions are required to be scrupulously followed. Unfortunately, despite the administrative mandate contained in the Official Memorandum dated 13.03.2026, compliance has been the exception rather than the rule.

12. It is reiterated that the mandatory directions in ***Zeba Khan*** (supra) and in the aforesaid Official Memorandum shall be strictly adhered to in all the bail applications filed before this Court or before the jurisdictional Magistrate or Sessions Court at any stage of the proceedings. Bail applications that do not contain the requisite disclosures shall not be numbered. Since the bail applications filed before this Court are subjected to machine-based scrutiny, the Registry, with the assistance of the IT Directorate of this Court, shall make necessary modifications in the bail scrutiny module to ensure that the directions of the Supreme Court are complied



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with before numbering any bail application.

The bail applications are dismissed with the above directions. The Registry shall forward a copy of this order to all the Courts in the State dealing with criminal cases.

Sd/-

DR. KAUSER EDAPPAGATH

JUDGE

Rp



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APPENDIX OF BAIL APPL. NO. 4806 OF 2026

PETITIONER ANNEXURES

Annexure A1 A TRUE COPY OF THE ORDER PASSED IN
C.M.P. NO. 04/2026 IN S.C. NO.
213/2026, ARISING OUT OF CRIME NO.
49/2026 OF VALAPATTANAM POLICE
STATION, BY THE COURT OF THE SPECIAL
JUDGE FOR THE TRIAL OF OFFENCES UNDER
THE POCSO ACT/ADDITIONAL SESSIONS
JUDGE-I, THALASSERY,



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APPENDIX OF BAIL APPL. NO. 4925 OF 2026

PETITIONER ANNEXURES

**Annexure 1 THE TRUE COPY OF DISMISSED ORDER COPY
PASSED BY THE DISTRICT SESSIONS COURT,
PALAKKAD DATED 10.08.2026.**