

IN THE COURT OF SESSIONS, ERNAKULAM DIVISION

Present:-

Sri. K.K.Balakrishnan, Sessions Judge

Monday, 28th day of September, 2026/6th Aswina, 1948

BA No.2129/2026

(Crime No.738/2026 of Kalamassery Police Station)

**Petitioner/
Accused No.1:** Anto Augustine, aged 38 years, S/o.Augustine
Moongananiyil Mathai, Moongananiyil House,
Thrikkaipetta.P.O., Wayanad-673577.

By Adv. C S Bissimon

**Respondent/
Complainant:** State of Kerala, represented by Inspector of Police,
Kalamassery Police Station through Public
Prosecutor, District & Sessions Court, Ernakulam,
Pin-682011.

By Public Prosecutor Sri. Manoj G Krishnan

This petition filed u/s.482 of Bharatiya Nagarik Suraksha Sanhita praying this Court to grant anticipatory bail to the petitioner.

This petition coming on for hearing on 26.09.2026 and the Court on 28.09.2026 passed the following:

ORDER

This petition is filed u/s.482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by A1 in Crime No.738/2026 of Kalamassery Police Station. The offences alleged against the accused are punishable under Section 336 (4), 337, 61 (2), 356 (3), 340 (2) and 339 of BNS.

2. The prosecution case, as per the report of the investigating officer, is as follows:- The petitioner, along with A2 and A3 pursuant to a conspiracy and with the intention of humiliating the Hon'ble Chief

Minister of Kerala in public, knowingly possessed and circulated fabricated documents. While the petitioner was addressing a public programme, A2 and A3 approached him and handed over copies of a marriage registration certificate and statutory notice obtained from the Byndoor Sub Registrar Office, claiming that the Hon'ble Chief Minister had married another woman at Byndoor on 17.10.2012 while his existing marriage was subsisting. The petitioner retained the said documents and used them to defame the Hon'ble Chief Minister in the public place. Thus, based on the said allegations, Kalamassery Police registered this crime against the petitioner and co-accused, alleging the offences stated above. Apprehending arrest in this crime, the petitioner approached this court with the present petition.

3. The petitioner contended that he is a senior journalist and Managing Editor of Reporter News channel and that the statements were made during a seminar on responsible journalism. He had received information regarding marriage certificate of the Hon'ble Chief Minister, caused the same to be verified, and upon being informed that it was fabricated, consciously refrained from publishing or broadcasting it. The FIR is based on a distorted version of his speech and is politically motivated. He neither forged nor used any document as genuine, nor had any intention to defame the Hon'ble Chief Minister. The ingredients of the offences are not made out. The investigation does not require his custodial interrogation. He is ready to abide by any conditions imposed by this court. Hence, pleaded for pre-arrest bail.

4. The Investigating Officer reported that the investigation is

at the preliminary stage. Petitioner has criminal antecedents, with several cases registered against him, including offences under Sections 353, 420, 468, 471, 506 and other penal provisions, besides Crime No.738/2026 under the BNS and Crime No.154/2026 under the Abkari Act. Detailed investigation is required, including questioning the defacto complainant and other persons connected with the alleged documents, examining the employees handling the social media posts of the Reporter Channel, and conducting scientific examination of the materials collected. At this stage there is no need of arrest of the petitioner in this case. If needed arrest of the petitioner advance notice will be served to him. So, the investigating officer pleaded to dismiss the petition.

5. Heard both sides and perused the case records.

6. The learned counsel for the petitioner reiterated the facts narrated in the petition. He is ready to cooperate with the investigation and abide by any conditions imposed by this court. The learned counsel after the report of prosecution, pleaded to give direction to the investigating officer to issue notice under section 35 of BNSS to the petitioner before taking any coercive step .

7. The learned Public Prosecutor seriously opposed the arguments from the side of the petitioner and submitted that, there is no need of arrest of the petitioner in this case at this stage. So, argued to dismiss the petition.

8. I have perused the available records and report submitted by the prosecution. Prosecution reported that there is no need of arrest

of the petitioner in this case and if any step is to be taken as coercive in nature advance notice will be issued to him. So there is no basis for apprehension of arrest of the petitioner in this case. In case the respondent wants to proceed against the petitioner in the above crime, notice u/s. 35(3) of BNSS shall be issued.

In the result, the petition is dismissed.

(Dictated to the Confidential Assistant, transcribed and typed by her, revised and corrected by me and pronounced on this the 28th day of September, 2026).

Sd/-
K K Balakrishnan
Sessions Judge

Typed by: Sindhu S.T
Comp.by:

BA No.2129/2026
Order dated: 28.09.2026