

IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE, ANGAMALY

Present : Smt. Samyuktha M.K., Judicial First Class Magistrate

Dated, this the 17th day of October, 2026.

**BA No. 02/2026, BA No. 03/2026, CMP No. 3/2026 and CMP No.1/2026 in
BA 4/2026 in Crime no. 858/2026 of Nedumbassery Police Station**

BA No. 02/2026

Petitioner/Accused no.1 : Suhail, Age 19 years, S/o. Sajeev Jamal,
Nooh Mansil House, Head Post Alappuzha,
Lajnath ward, Alappuzha District.

(By Adv. Saiby Jose Kidangoor,
Adv. Afsana Khan &
Adv. Sreeraj S. Rajaram)

Respondent/Complainant : State represented by the Inspector of Police,
Nedumbassery Police Station in Cr. No:
858/2026 of Nedumbassery Police Station.

(By Smt. Divyadas, Asst. Public Prosecutor,
Court of JFCM, Angamaly).

Additional Respondent / : Pradeep Kumar M.R, Father and
Legal Heir of Deceased legal heir of the deceased Gopika,
Victim Mullan Kuzhiyil House, Karimba P.O,
Palakkad District Pin-678597.

(By Adv. Muhammed Zain Shabeer P.P)

BA No. 03/2026

Petitioner/Accused no.2 : Ninav, Age 19 years, S/o. Renjithkumar,
Palaparambil House, Kommady,
Aryad South Village, Thumboly, Alappuzha.

(By Adv. Saiby Jose Kidangoor,
Adv. Afsana Khan &
Adv. Sreeraj S. Rajaram)

Respondent/Complainant : State represented by the Inspector of Police, Nedumbassery Police Station in Cr. No: 858/2026 of Nedumbassery Police Station.

(By Smt. Divyadas, Asst. Public Prosecutor, Court of JFCM, Angamaly).

Additional Respondent / Legal Heir of Deceased Victim : Pradeep Kumar M.R, Father and legal heir of the deceased Gopika, Mullan Kuzhiyil House, Karimba P.O, Palakkad District Pin-678597.

(By Adv. Muhammed Zain Shabeer P.P)

CMP No.03/2026

Petitioner/Accused no.3 : Joyal S. Anto, Age 19 years, S/o. Anto, Avalookunnu, Aryanad South Village, Alapuzha District.

(By Adv. Ajikumar K.K)

Respondent/Complainant : State represented by the Inspector of Police, Nedumbassery Police Station in Cr. No: 858/2026 of Nedumbassery Police Station.

(By Smt. Divyadas, Asst. Public Prosecutor, Court of JFCM, Angamaly).

CMP No.01/2026 in BA No. 04/2026

Petitioner/Accused no.4 : Ameen Sha, Age 19 years, S/o. Shameer, Baithul Ameen House, Kanjiramchira, Aryad South Village, Alappuzha.

(By Adv. Biju D. Nair)

Respondent/Complainant : State represented by the Inspector of Police, Nedumbassery Police Station in Cr. No: 858/2026 of Nedumbassery Police Station.

(By Smt. Divyadas, Asst. Public Prosecutor,
Court of JFCM, Angamaly).

COMMON ORDER

1. These are the applications filed by the petitioners/accused nos.1 to 4 in the above crime seeking bail.

2. The petition averments in **BA 2/2026** are as follows:- The petitioner is the accused in Crime No. 858/2026 of Nedumbassery Airport Police Station alleged offence punishable under Section 105 of the Bharatiya Nyaya Sanhita, 2023. The petitioner is innocent of the allegations levelled against him and is constrained to approach this court seeking bail in connection with the aforesaid crime, which has been registered in relation to an accident alleged to have occurred during the early hours of 11.10.2026 near Suvarnodhyanam, Moozhiyal, Nedumbassery. The actual circumstances leading to the occurrence are materially different from the manner in which the allegations have been presented in the FIR. According to the specific defence version, 3 persons were travelling together on the aforesaid scooter and the scooter was being ridden in a rash and negligent manner. The scooter came towards the centre of the road, thereby creating a sudden and hazardous situation and contributing to the occurrence of the accident. The respective movements of the vehicles, the position of the scooter on the road, the manner in which it was being ridden and the circumstances immediately preceding the collision are all relevant factors which require proper and impartial investigation. The accident must be examined in its entirety, taking into consideration the conduct and movement of both vehicles, the physical circumstances at the scene of occurrence and the available scientific and other evidence. The question of criminal culpability cannot be determined merely by referring to the unfortunate consequences of the accident, without examining the actual circumstances in which the alleged incident occurred. The mere occurrence

of a factual road traffic accident does not, by itself, establish the commission of culpable homicide under Section 105 of the Bharatiya Naya Sandhita, 2023. The essential ingredients of the said offence, including the requisite intention or knowledge contemplated under the provision, must be established on the basis of the materials available in the case. The distinction between an act amounting to culpable homicide and an act resulting in death due to rashness or negligence is a matter of legal significance and that the applicability of the penal provision invoked by the prosecution must be assessed in the light of the actual facts and evidence. The continued detention of the petitioner is not warranted for the purpose of investigation, as the essential circumstances surrounding the accident can be investigated through the collection and examination of the scene of occurrence materials, vehicle inspection reports, medical records, witness statements, CCTV footage, if available and other relevant evidence the petitioner is willing to cooperate fully with the investigating officer and to appear for questioning or any other lawful investigating procedure whenever directed. The petitioner undertakes to make himself available to the Investigating Officer and to provide all lawful cooperation required for the completion of the investigation. His custodial detention is not to be treated as an automatic requirement merely because the consequences of the accident are serious, and that the necessity of custody must be assessed with reference to the actual investigative requirements and the material circumstances of the case. The petitioner has no intention of evading the process of law and is ready and willing to comply with any reasonable conditions that may be imposed by this court. The petitioner undertakes to appear before the Investigating Officer as and when required, attend all dates of hearing before the competent court, refrain from contacting or influencing any witness and not tamper with or destroy any evidence connected with the case. The cause of accident and the tune publicity, if any, attributable to the petitioner must be determined on the basis of the entire evidence collected during investigation. The possibility of the

manner of riding and the position of this scooter having contributed to the occurrence is a relevant factual circumstance which requires objective examination. The petitioner does not seek to minimize the tragic loss of life but submits that the allegations must be investigated fairly and that the petitioner should not be subjected to unnecessary custodial detention when his cooperation can be secured through appropriate conditions, subject to the applicable statutory restrictions. The grant of bail at the stage of investigation does not amount to an adjudication on the merits of the prosecution case. The relevant considerations include the nature of the accused, the material presently available, the necessity for custodial interrogation, the possibility of the accused absconding, the likelihood of interference with witnesses or evidence and the ability of the accused to comply with the conditions imposed by this court. The petitioner undertakes that if released on bail, he shall not leave India without the permission of the competent court, shall keep the Investigating Officer informed of any change in his residential address or contact details, shall not directly or indirectly influence any witness, shall not destroy or conceal any evidence, and shall appear before the Investigating Officer and the competent Court as directed. The petitioner is willing to abide by any further conditions that may be considered necessary to secure his presence and ensure the fair conduct of the investigation. The petitioner is a student of Rajagiri College, Ernakulam, pursuing his studies. The denial of bail would seriously prejudice his academic pursuits, disrupt the continuity of his education and adversely affect his future prospects. The petitioner is a student with academic commitments and his continued detention would cause undue hardship to him and irreparable prejudice to his educational career. The petitioner undertakes not to abscond, tamper with evidence, intimidate witnesses or obstruct the investigation in any manner and is ready to furnish adequate sureties. Hence, the bail application is to be allowed.

3. The petition averments in **BA No. 03/2026** are as follows:- The

petitioner is a 19 year old student pursuing his studies at Naipunya College, Cherthala. The petitioner is presently in custody in connection with Crime No. 858/2026 of Nudumbassery Airport Police Station registered in connection with the unfortunate road traffic accident alleged to have occurred during the early hours of 11.10.2026 near Suvarnodhyanam, Moozhiyal, Nedumbassery. The petitioner has absolutely no role in the alleged occurrence and has been implicated in the case merely because he allegedly was travelling as a passenger in the car bearing registration No. KL-07-CR-1001. The petitioner was only a passenger in the aforesaid car and was neither driving nor exercising any control over the vehicle at the time of the alleged incident. The petitioner had no role whatsoever in the manner in which the vehicle was driven, and no overt act has been attributed to him in connection with the occurrence. The mere presence of a person in a vehicle involved in an accident cannot, by itself, constitute a sufficient basis for fastening criminal liability upon such person in the absence of specific allegations and material establishing his individual involvement in the commission of an offence. The First Information Report in Cr. No. 858/2026 records the alleged involvement of the driver of car No. KL-07-CR-1001 in the accident and identified the driver as an unknown person. The FIR alleges that the car was driven in a rash and negligent manner and that the incident resulted in the death of three persons travelling on a scooter. The continued detention is causing serious prejudice to his education and academic commitments. The petitioner is a young student whose future should not be adversely affected by unnecessary custodial detention, particularly when no specific overt act is attributed to him and his alleged role is confined to being a passenger in the vehicle. The petitioner undertakes to cooperate with the investigation and to comply with every reasonable condition imposed by this court. The custodial interrogation of the petitioner is not necessary for the effective investigation of the case, insofar as no specific act on his part is alleged to have caused the accident. The circumstances of the accident

can be investigated through the examination of the vehicles involved, scene of occurrence materials, CCTV footage, if available, medical records, witness statements and other relevant evidence. The petitioner is ready and willing to appear before the investigating officer whenever required and to answer all lawful questions relating to the case. The presence of the petitioner for investigation can be secure by imposing appropriate conditions, and his continued detention would serve no useful investigative purpose if no specific custodial requirement exists. The necessity and proportionality of continued detention of the petitioner must be independently assessed, having regard to his age, student status, limited alleged role, willingness to co-operate and the absence of any specific overt act attributed to him. The petitioner does not seek to rely on the duration of custody alone, but submits that continued detention must be justified by the actual requirements of the investigation and the applicable provisions of law. The petitioner has no intention of evading the process of law and is ready to furnish sufficient sureties and execute the requisite bond as directed by this court. He undertakes to appear before the Investigating Officer as and when required, attend all dates of hearing before the competent court, refrain from contacting or influencing any witness and not tamper with or destroy any evidence connected with the case. The petitioner is also willing to abide by any further conditions considered necessary to secure his presence and ensure the fair conduct of the investigation. The grant of bail at this stage would not prejudice the investigation as he is willing to co-operate fully with the investigating agency. The petitioner is a young student with continuing educational commitments and seeks an opportunity to continue his studies while remaining available for all lawful investigative and judicial proceedings. The precise offences alleged against the petitioner individually have not been made known to him, and his criminal liability must be assessed on the basis of the actual allegations and materials collected against him. Hence, the bail application is to be allowed.

4. The petition averments in **CMP No. 03/2026** are as follows:- The petitioner is innocent and he had not committed any offence. The petitioner is in judicial custody since 11.10.2026. The petitioner has not involved in any other cases. The petitioner is ready to obey any conditions and he is ready to furnish sufficient sureties and execute the requisite bond as directed by this court. Hence, this petition seeking bail to the petitioner.

5. The petition averments in **CMP 1/2026 in BA 4/2026** are as follows:- The petitioner is the accused no. 4 in Crime No. 858/2026 of Nedumbassery Airport Police Station registered in connection with an alleged motor vehicle accident that occurred at about 01:45 a.m. on 11.10.2026. The offences alleged are Sections 281, 105, 49 and 3(5) of the Bharatiya Nyaya Sanhita, 2023. The petitioner was arrested on 12.10.2026 and produced before the Jurisdictional Magistrate. The petitioner is a student pursuing his studies and has a promising academic future. He has absolutely no criminal antecedents and has never been involved in any criminal case. His continued detention would cause serious and irreparable prejudice to his education, academic progress and future prospects. The allegation against the petitioner is that he is a co-passenger in the car bearing registration number KL 07 CR 1001. The petitioner was not driving the vehicle and had no control over its steering, speed or direction. The person subsequently identified as the driver away as the first accused. The petitioner denies having committed any act or omission that would attract criminal liability for the alleged incident. The prosecution must establish the specific role, if any, attributable to the petitioner and the legal ingredients of the offences alleged against him. The individual role of the petitioner must be independently assessed and cannot be equated with that of the person who was driving of the vehicle. The allegation under Section 105 of the Bharatiya Nyaya Sanhita, 2023 cannot automatically be attributed to the petitioner merely because he was travelling in the vehicle. The

prosecution must establish the requisite ingredients of the offence and the petitioner's legally sustainable connection with the alleged act. Likewise, the applicability of 3(5) BNS requires material establishing the requisite common intention, mere companionship or presence in the vehicle is not, by itself, sufficient. The petitioner is not seeking to minimize the gravity of the unfortunate incident or the loss of human life. If the allegation false, his specific contention is that passenger is materially distinct from that of the driver and that his role must be assessed on the basis of the material available against him individually. The petitioner is a permanent resident of the address stated above and has roots in society. The petitioner undertakes to cooperate fully with the investigation, appear before the investigating officer as and when required, attend all court proceedings and comply with every lawful condition imposed by this court. He has no intention of absconding, tampering with evidence or influencing any witness. The custodial detention is not necessary merely as a matter of course, particularly when the allegation that he was only a cost passenger and has no criminal antecedents. His release on appropriate conditions would adequately safeguard the interest of the investigation and the administration of justice, if the statutory requirements for bail are satisfied. The limited alleged role of the petitioner, his status as a student, his claim an excellent and his willingness to cooperate with the investigation constitute grounds warranting consideration of his release on the bail in accordance with law. Hence, this petition seeking bail to the petitioner.

6. Case of the prosecution is that, the first accused, on 11.10.2026 at 1.45 a.m, drove the car bearing registration No. KL-07-CR-1001 in a rash and negligent manner through Airport-Athani road with second to fourth accused and it reached at the the road near Moozhiyal Suvarnodhyanam situated in Athani kara of Nedumbassery village, it hit on the scooter bearing registration no. KA-21-EA-1054 rode by Eyas, friend of the defacto complainant with Gopika and Devika,

who were the pillion riders in it, and thereby causing them fell on the road and thereby causing serious injuries on their head and body and Eyas, Gopika and Devika were succumbed to death by the injuries and thereby all the accused committed the offences under Sections 281, 105, 49, 3(5) of Bharatiya Nyaya Sanhita, 2023.

7. Notice was served to Learned Assistant Public Prosecutor. The Deputy Superintendent of Police, Aluva Sub Division, filed report objecting the bail applications are as follows:-

This is an extremely serious case in which three young men lost their lives due to the criminal actions of the accused. After the incident, the blood sample of the first accused was examined and presence of ethyl alcohol was detected; therefore, it is clear that he was driving while under the influence of alcohol. The statements of eye witnesses, CCTV footages are obtained to connect the accused prima facie alleged the crime. The first accused being fully aware that driving under the influence of alcohol posed a danger to human life, drove the vehicle at an excessive speed; meanwhile, the other accused, who were directly aware that the first accused had consumed alcohol and traveled with him in the car and encouraged him to drive the vehicle at such excessive speed. If the accused are released on bail, there are every chances to intimidating or influencing the witnesses including the eyewitnesses in this case by the financial and social influence of the first accused and to tamper the evidences or absconding. The investigation in this case is in initial stage and the digital evidences are to be collected in connection with this case for forensic examination and hence, the bail applications are to be dismissed.

8. Heard both sides and perused the records.

9. The learned Assistant Public Prosecutor seriously objected the release of the petitioner/accused no.1 and contented that, the offences alleged against him are serious in nature and his release would affect the investigation of the case.

10. The accused nos.1 and 2 were arrested and produced before this court on 11.10.2026, and they have been remanded to judicial custody on the same day. The accused nos.3 and 4 were arrested and produced before this court on 12.10.2026 and they have been remanded to judicial custody on the same day.

11. The learned counsel appearing for the accused contended that the circumstances surrounding the recording of the First Information Statement (FIS), particularly the manner in which the name of the first informant came to be recorded and the absence of any specific allegation regarding the negligence or excessive speed of the accused in the initial version, cast suspicion on the prosecution case. It was further argued that the informant had no direct connection with the incident and that the deceased persons were travelling on a two-wheeler in violation of the applicable traffic regulations. These circumstances, according to the learned counsel, are relevant while assessing the credibility of the prosecution case.

12. However, the aforesaid contentions essentially relate to the appreciation of evidence and the determination of the evidentiary value of the materials collected during the investigation. At the stage of considering an application for bail, the Court is not required to conduct a detailed evaluation of the evidence or arrive at conclusive findings regarding the truth or otherwise of the allegations. The scope of consideration is confined to a prima facie assessment of the available materials, the nature and gravity of the allegations, the circumstances of the case and the other relevant considerations governing the grant of bail. The

questions relating to the credibility of the informant, the consistency of the initial version with the subsequent materials, and the precise circumstances in which the incident occurred are matters that may appropriately be examined at the stage of trial, subject to the materials available on record.

13. The mere fact that the informant was not an eyewitness to the occurrence, or that the informant's knowledge of the incident was not complete or precise, would not, by itself, render the First Information Statement invalid or deprive it of its purpose. The primary object of the first information is to set the criminal law in motion and initiate the process of investigation. The informant is not necessarily required to have personal knowledge of every circumstance surrounding the occurrence, nor is the first information required to constitute an exhaustive account of the entire prosecution case. The evidentiary significance of the information and the extent to which it is supported by other materials are matters to be assessed in accordance with law. Consequently, the absence of an allegation in the First Information Statement in the precise terms subsequently relied upon by the prosecution does not, by itself, warrant a conclusive finding against the prosecution at the stage of bail.

14. Likewise, the fact that the name of the accused was not mentioned in the First Information Statement at the initial stage is not, by itself, sufficient to conclude that the accused has been falsely implicated. The identity of the person allegedly responsible for the occurrence may emerge during the course of investigation on the basis of the information and materials subsequently collected. Whether the identification of the accused was made on a reliable basis, whether the investigation in that regard was properly conducted, and whether the materials collected are sufficient to establish the alleged involvement of the accused are questions that must be assessed on the basis of the complete record. At this stage,

in the absence of circumstances demonstrating a specific and material infirmity that would warrant consideration in the bail proceedings, the omission to mention the accused's name in the initial information cannot, by itself, be treated as decisive.

15. The contention regarding the absence of a specific reference to the accused's alleged rashness, negligence or excessive speed in the First Information Statement also requires consideration in the above context. The prosecution case must ultimately be established on the basis of legally admissible evidence, and the existence or otherwise of the alleged rash or negligent conduct cannot be determined solely by isolating a particular statement from the initial information. The contents of the First Information Statement have to be considered along with the other relevant materials collected during the investigation, without treating the initial statement as conclusive proof of the occurrence or of the culpability of any person.

16. The learned counsel further pointed out that the precise position of the scooter and the fact that the deceased persons were not wearing helmets have not been satisfactorily explained. These allegations that the deceased persons were travelling on a two-wheeler in violation of the applicable traffic regulations cannot, in isolation, determine the question of bail. The relevance, if any, of such conduct to the occurrence, the cause of the accident and the respective responsibilities of the persons involved are matters to be assessed on the basis of the evidence and the applicable law. Such an allegation does not, by itself, negate the possibility of criminal liability on the part of another person, nor does it automatically establish the defence of the accused.

17. Having regard to the above circumstances, this Court is of the view

that the objections raised by the learned counsel for the accused, insofar as they invite a detailed examination of the reliability of the informant, the circumstances leading to the identification of the accused, and the respective conduct of the persons involved in the occurrence, cannot be conclusively determined in the present bail proceedings. The said contentions shall remain open for appropriate consideration at the relevant stage, on the basis of the evidence and materials available in accordance with law.

18. Another contention was that, even according to Priyad, the first Informant, he was not certain as to who was driving the vehicle at the time of the occurrence. It is true that the precise identity of the driver and the evidentiary value of the statements recorded during the investigation are matters to be established through evidence. However, at the stage of considering the bail application, the Court is required to undertake a prima facie assessment of the prosecution materials and need not arrive at a final conclusion on disputed questions of fact. On a consideration of the allegations and the materials presently available, the prosecution case, prima facie, is that Accused No. 1 was driving the vehicle at the time of the occurrence. The uncertainty, if any, reflected in the statement of a particular witness cannot, in isolation, be treated as conclusive at this stage, particularly when the identity of the driver has to be assessed in the light of the entire body of evidence collected during the investigation. The reliability of the said identification and the weight to be attached to the statement of Priyad are matters to be considered at the appropriate stage.

19. The further contention that the First Information Statement does not disclose the ingredients necessary to attract an offence punishable under Section 105 of the Bharatiya Nyaya Sanhita, 2023, also requires consideration in the context of the materials as a whole. Section 105 deals with culpable homicide not

amounting to murder, including an act committed with the knowledge that it is likely to cause death, though without the intention to cause death or such bodily injury as is likely to cause death. The distinction between causing death by rash or negligent conduct and culpable homicide lies, *inter alia*, in the nature of the act and the presence of the requisite intention or knowledge. The applicability of Section 105, therefore, cannot be determined merely by examining whether the First Information Statement contains an express recital of each ingredient of the offence. The allegations and the materials collected during the investigation have to be considered together to ascertain whether a *prima facie* case attracting the said provision is disclosed.

20. In the present case, the prosecution relies, *inter alia*, on the scientific examination of the blood sample of the accused, which, according to the prosecution, indicates a substantial degree of alcohol intoxication at the relevant time. It is further alleged that the accused drove the vehicle at a speed exceeding 100 km/h on a public road. These circumstances, if supported by the materials on record, assume significance when considered cumulatively. Driving a motor vehicle on a public road at an exceptionally high speed while under the influence of alcohol is conduct that may expose other road users to a grave and foreseeable risk to life. It is stated in the report filed by the Prosecution that the Examination report of blood sample of the Accused no. 1 shows that he was in a highly intoxicated state. Hence the act of accused No. 1, who voluntarily undertakes to drive in such an allegedly intoxicated condition and at such an excessive speed cannot be presumed to have been wholly unaware of the inherent danger associated with that conduct.

21. The question is not merely whether the accused intended to cause the death of any particular person, but whether the circumstances of the alleged

conduct are such as to prima facie indicate knowledge that the act was likely to cause death. Such knowledge may, depending on the facts established, be inferred from the nature of the act and the surrounding circumstances. The alleged combination of substantial intoxication, excessive speed and driving on a public road is, therefore, a relevant circumstance in examining whether the prosecution case is confined to mere rashness or negligence or whether it prima facie discloses the more serious allegation of culpable homicide. The legal distinction between these offences has been recognized by the Hon'ble Supreme Court in ***State, through P.S. Lodhi Colony, New Delhi v. Sanjeev Nanda, (2012) 8 SCC 450***, wherein the Court examined the distinction between causing death by negligence and culpable homicide in the context of driving under the influence of alcohol and at high speed. The ultimate applicability of the principle would, of course, depend upon the facts and materials of the present case.

22. In the light of the foregoing circumstances, this Court is of the prima facie view that the prosecution allegations warrant consideration in the context of the offence alleged under Section 105 of the Bharatiya Nyaya Sanhita, 2023, and cannot be rejected merely on the ground that the First Information Statement does not, in express terms, set out every ingredient of the said offence. The final determination as to the identity of the driver, the degree of intoxication, the actual speed of the vehicle, the existence of the requisite knowledge and the precise offence, if any, established against the accused must be left to be decided on the basis of the evidence adduced in accordance with law.

23. It was also contended that the allegations, even if accepted in their entirety, would at the most attract an offence punishable under Section 106 of the Bharatiya Nyaya Sanhita, 2023, and not Section 105 thereof, since the prosecution has not alleged any intention on the part of the accused to cause the death of the

deceased. It was further contended that the First Information Report initially invoked Section 105 of the BNS and that the allegations do not disclose the essential ingredients of the said offence. The learned counsel also questioned the allegation that the other accused had instigated Accused No. 1 to drive the vehicle at an excessive speed, pointing out that all the accused were travelling in the same vehicle and that there is no confession by any of them that they had attempted to restrain Accused No. 1 from driving at such speed.

24. The aforesaid submissions have been considered. The mere absence of an allegation that the accused intended to cause the death of the deceased is not, by itself, sufficient to exclude the applicability of Section 105 of the BNS. The said provision contemplates not only cases involving the requisite intention but also cases in which the act is committed with the knowledge that it is likely to cause death, even in the absence of such intention. On the other hand, Section 106 applies to causing death by a rash or negligent act not amounting to culpable homicide. The distinction between the two provisions, therefore, depends upon the nature of the conduct alleged and whether the requisite intention or knowledge is *prima facie* disclosed by the surrounding circumstances. The act of the accused in driving the vehicle at a speed exceeding 100 km/h while in an intoxicated state, despite the maximum permissible speed limit of 70 km/h in straight road and 60 km/h in curved road being clearly displayed on traffic signboards along the road where the incident occurred, *prima facie* indicates a conscious disregard for the potential consequences of such conduct. The combination of excessive speed and intoxication cannot, at this stage, be brushed aside as mere ignorance or inadvertence. These circumstances *prima facie* support an inference that the accused had knowledge of the potential consequences of the act. The actual speed of this vehicle at the time of incident is yet to be ascertained.

25. The further contention that the investigating officer ought not to have invoked Section 105 of the BNS also cannot, by itself, be a decisive ground for granting bail. The investigation is required to proceed on the basis of the materials collected, and the investigating agency may apply the provisions of law which it considers appropriate in the light of those materials. Hence it cannot be said that the investigating officer ought not to have charged the accused persons with offence u/s 105 BNS. The contention that Sections 105 and 281 of the BNS cannot coexist also does not, by itself, furnish a ground to reject the prosecution case at this stage. The two provisions address distinct legal ingredients. Section 105 concerns culpable homicide not amounting to murder, whereas Section 281 concerns rash driving or riding on a public way. Whether the materials justify the application of both provisions in the facts of the present case is a matter to be determined in accordance with law. It would be premature, at the stage of bail, to hold that the allegation under Section 281 necessarily displaces the more serious allegation under Section 105 or that the former must invariably be treated as a minor offence of the latter.

26. At the stage of considering bail, this Court is not required to conduct a mini-trial or to conduct a detailed examination of the evidence or to determine conclusively whether the prosecution will ultimately succeed in establishing the charges. The prosecution version cannot be rejected merely because the accused dispute the allegations or offer an alternative interpretation of the circumstances.

27. The learned counsel for the accused further contended that the prosecution has not satisfactorily explained the specific role attributed to Accused Nos. 2 to 4 and that their mere presence in the vehicle along with Accused No. 1 would not make them criminally liable for the alleged occurrence. It was further contended on behalf of the accused that there is no reliable material to establish

that Accused Nos. 2 to 4 instigated Accused No. 1 to drive the vehicle at an excessive speed. This contention has to be considered in the light of the prosecution allegations and the materials collected during the investigation. According to the prosecution, Accused Nos. 2 and 3 had consumed alcohol along with Accused No. 1, and all of them, together with Accused No. 4, travelled in the car driven by Accused No. 1, who was allegedly in a dangerously intoxicated condition. Though there is no specific allegation that Accused No. 4 had also consumed alcohol, the prosecution alleges that he accompanied the other accused while they travelled in the car, and instigated Accused no. 1 to drive the vehicle at a dangerously high speed.

28. The circumstances surrounding the journey, including the reason for driving at such an excessive speed and the respective roles, if any, played by Accused Nos. 2 to 4, are matters that require further investigation and appreciation of evidence. Having regard to the prosecution allegation that Accused Nos. 2 to 4 were accompanying Accused No. 1 during the journey and to the circumstances in which the vehicle was allegedly driven, their alleged involvement cannot be conclusively ruled out at this stage. All the accused persons were well aware of the fact that Accused no. 1 is highly intoxicated stage, and by the influence of which he may not be able to take prudent decisions while driving. It is also pertinent to note that they were not travelling for any specific purpose, and it is contented by the accused persons that A3 and 4 reached Nedumbassery for another purpose in another car but decided to have a ride in the mini cooper car driven by the First accused. Hence the chances of instigations to drive the vehicle at such a higher speed cannot be ruled out. The precise nature of their participation and whether the essential ingredients of abetment or any other form of criminal liability are made out must be determined on the basis of the evidence collected and proved in accordance with law.

29. As regards the apprehension that the accused may influence the witnesses, the learned counsel for the accused contended that there is no material to show that any witness has already been threatened or influenced. It is true that the possibility of interference with witnesses cannot be presumed merely because an accused seeks bail. Nevertheless, the absence of a proved instance of witness intimidation does not necessarily exclude the possibility of such interference.

30. The objection regarding the absence of CCTV visuals showing Accused No. 1 at the wheel also does not, by itself, conclude the issue of identity. An investigation is not confined to CCTV footage, and the identity of the driver may emerge from other relevant materials collected during the investigation, and the circumstantial evidences. The prosecution case is that the investigation identified Accused No. 1 as the person driving the vehicle at the relevant time. Whether the materials relied upon are reliable and sufficient to establish that fact must ultimately be determined in accordance with law. The absence of a particular category of evidence is not necessarily fatal if other legally admissible evidence is available.

31. It is stated in the report filed by the prosecution that the medical records obtained during the investigation , lend prima facie support to the allegation that Accused No. 1 had consumed alcohol before driving the vehicle. As per the Report, the alcohol concentration in the blood sample of Accused No. 1 was reported as 161 mg per 100 ml, while the urine sample recorded 230 mg per 100 ml. The reported blood alcohol concentration is substantially higher than the permissible limit of 30 mg per 100 ml prescribed under Section 185 of the Motor Vehicles Act, 1988. This is a significant circumstance to be considered while assessing the prosecution case at the present stage, particularly in conjunction with

the allegation that the vehicle was driven at an excessive speed and resulted in the death of three persons.

32. The learned Additional Public Prosecutor, opposing the applications for bail, submitted that the allegations disclose an exceptionally grave occurrence in which three persons lost their lives allegedly as a consequence of driving at an exorbitant speed while under the influence of alcohol. It was submitted that the medical records received during the investigation support the allegation of intoxication and that the investigation has also secured the Event Data Recorder (EDR) of the vehicle, the relevant data from which is proposed to be produced before the Court. The prosecution further submitted that the investigation is not yet complete in all respects, as the collection and examination of CCTV footage and other relevant evidence remain to be completed.

33. These submissions have been considered in the light of the materials presently available. The prosecution allegation that three lives were lost in a single occurrence allegedly involving intoxicated driving at an exceptionally high speed is undoubtedly a serious circumstance. The gravity of the occurrence is relevant to the exercise of discretion in a bail application, particularly when considered alongside the prima facie materials concerning the manner of driving and the consequences that followed.

34. The prosecution has referred to the statement of the first Informant, who is stated to have witnessed the occurrence and described the circumstances in which it took place in the First Information Statement. The scene mahazar is also stated to have been prepared on the date of the occurrence, with tyre marks recorded therein. These materials, are relevant to the prima facie assessment of the prosecution case. The evidentiary value of the eyewitness account, the reliability of

the observations recorded in the mahazar and the conclusions that may legitimately be drawn from the tyre marks are matters to be assessed in accordance with law. At the stage of bail, the Court is not required to conduct a detailed reconstruction of the accident or determine conclusively the precise manner in which the collision occurred.

35. The learned Public Prosecutor further submitted that Accused Nos. 2 to 4 were accompanying Accused No. 1 and that the prosecution attributes to them a role in encouraging or instigating him to drive at excessive speed. It was also pointed out by the counsel for the father of one of the deceased that Accused No. 1 shouted that his father would take care of everything. According to the prosecution, the said circumstance, considered along with the nature of the occurrence and the fact that material witnesses are yet to be examined, gives rise to an apprehension that the accused may attempt to influence witnesses or interfere with the remaining investigation.

36. Apart from the contention regarding the sustainability of the charge against the accused persons, no other default or lapse on the part of the investigating agency, including any challenge to the remand or the procedure followed therein, has been raised by the learned counsel for the petitioners. The culpability of the accused persons can be determined only after a thorough investigation and upon appreciation of the evidence by the competent court. The offence is exclusively triable by the Court of Session. Moreover, as submitted by the learned counsel appearing for the accused persons/petitioners, no person has, as of now, been listed as an eyewitness to the incident. Consequently, the prosecution may have to rely substantially on circumstantial evidence. In such circumstances, there is a possibility that relevant evidence may be destroyed, suppressed, or tampered with, thereby prejudicing the course of the investigation. The vehicle is

alleged to have driven by the 1st accused, in a public way in an excessive speed of more than 100km/hr, in a totally drunken state, accompanied by the other accused person, wherein the maximum permissible speed limit is only 60 or 70 km/hr. Such conduct demonstrates a flagrant disregard for traffic laws and public safety, reflecting a reckless and irresponsible attitude towards the safety and lives of other road users

37. On perusal of prosecution records, it can be seen that, the allegations against the petitioners/accused nos.1 to 4 is serious in nature. There is every chances that the accused may try to influence or intimidate the witnesses and tamper with the evidence. The investigation is in it's initial phase, and this court is of the view that granting bail at this stage will hamper the course of the investigation. In light of these circumstances, this court considers the detention of petitioners/accused nos.1 to 4 necessary for the proper investigation of the case. Hence, considering all these facts, I am not inclined to release the petitioners/accused nos.1 to 4 on bail. Hence, bail applications are liable to be dismissed.

In the result, BA No.02/2026, BA No.03/2026, CMP No.03/2026 and CMP No.01/2026 in BA No.04/2026 are dismissed.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open Court this the 17th day of October, 2026).

Sd/-
Judicial First Class Magistrate,
Angamaly

/// True copy ///

Judicial First Class Magistrate,
Angamaly