IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

Friday, the 6th day of November 2026 / 15th Karthika, 1948
CRL.M.APPL.NO.2/2026 IN CRL.A NO.1239 OF 2026

CC 3/2020 (VC.03/2007/SCE) OF COURT OF THE ENQUIRY COMMISSIONER AND SPECIAL JUDGE (VIGILANCE),KOTTAYAM

APPLICANT/APPELLANT/ACCUSED:

TOMIN J. THACHANKARY, AGED 63 YEARS,
S/O.JOSEPH, HOUSE NO 32/2899, THACHANKARY HOUSE, THAMMANAM P.O.,
POONITHARA VILLAGE, ERNAKULAM, PIN - 682032.

RESPONDENT/RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM,PIN - 682031.
(CRIME NO.VC03/2007/SCE OF VIGILANCE AND
ANTI CORRUPTION BUREAU, SPECIAL CELL, ERNAKULAM)

Application praying that in the circumstances stated therein the High Court be pleased to modify Condition No.(iv) imposed in the order dated 15.10.2026 in Crl.M.Appl.No.1 of 2026 in Crl.A.No.1239 of 2026, by permitting the petitioner to travel abroad and stay in the United Arab Emirates, on such terms as this Hon'ble Court may deem fit, or in the alternative, permit the petitioner to travel to the United Arab Emirates for the period from 26.10.2026 to 31.03.2027, by allowing this petition, in the interest of justice.

This Application coming on for orders upon perusing the application and yjis court's order dtd 15.10.26 in Crl.MA.No.1/26 therein and upon hearing the arguments of M/S.B.RAMAN PILLAI (SR.), S.RAJEEV, SARATH K.P., ANILKUMAR C.R., K.S.KIRAN KRISHNAN, DIPA V., AKASH CHERIAN THOMAS, T.P.ARAVIND, AZAD SUNIL, AKSHARA S., NIVEDITA RAJEEV, EBEE ANTONY, M.S.ANEER, Advocates for the applicant and the PUBLIC PROSECUTOR for the respondent, the Court passed the following:

P.T.O.

FRIDAY, THE 6TH DAY OF NOVEMBER 2026

Crl.M.Appl 2/2026 IN CRL.A No. 1239 of 2026

TOMIN J THACHANKARY

VS

STATE OF KERALA

ADVS FOR APPELLANT/S:
SRI.B.RAMAN PILLAI (SR.),
SRI.S.RAJEEV, SHRI.SARATH K.P.,
SHRI.ANILKUMAR C.R., SHRI.K.S.KIRAN KRISHNAN,
SMT.DIPA V., SHRI.AKASH CHERIAN THOMAS,
SHRI.T.P.ARAVIND, SHRI.AZAD SUNIL,
SMT.AKSHARA S., SMT.NIVEDITA RAJEEV,
SHRI.EBEE ANTONY, SRI.M.S.ANEER

A.BADHARUDEEN, J.

Crl.A.No.1239 of 2026

Dated, this the 6th day of November, 2026

O R D E R

Crl.M.A.No.2 of 2026

In this matter, a medical report has been produced, which would suggest as under:

> "*Mr.Tomin J.Thachankary (C 475/26) was admitted to the central prison, TVM on 17/09/2026 and the prison medical officer has clinically examined the patient, following his admission to the central prison. As per the clinical history Mr.Tomin J. was a known case of Coronary Artery Disease (CAD) and had undergone Coronary Artery Bypass Graft (CABG) in 2009. Patient was also having Obstructive Sleep Apnoea (OSA) for which he was on Continuous Positive Air way Pressure (C PAP) ventilation for about 3 years along with the treatment for psoriasis.*"

2. It is submitted by the Jail Superintendent that the prisoner remained admitted to the Prison Hospital Block

continuously from the date of his admission to this Prison until his release on bail. (From 17.09.2026 to 15.10.2026).

3. In view of the above, this matter would require detailed hearing to find whether the hospitalization of the petitioner is *bona fide* or it was a gimmick played to avoid his stay inside the cell on par with his contention now that, he is capable of doing the job abroad despite of his illness, after perusing the records now placed.

Post on 12.11.2026.

Sd/-
A. BADHARUDEEN,
JUDGE

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