CNR : KLHC010785902026

2026:KER:84602

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2026 / 13TH KARTHIKA, 1948

BAIL APPL. NO. 6173 OF 2026

CRIME NO.1273/2026 OF KUNNAMKULAM POLICE STATION, THRISSUR

PETITIONER/ACCUSED:

GEEVARGHESE K.A.,
AGED 42 YEARS
S/O KUNJACKO,ANTHIKAD HOUSE, KANIPAYOOR OXYGEN PARK DESOM,KANIPAYOOR, THRISSUR DISTRICT,
PIN – 680517.

BY ADVS.
SRI.M.R.SASITH
SRI.M.R.SARIN
SHRI.MUHAMMED SULFIKAR
SMT.PARVATHI KRISHNA
SRI.P.SANTHOSHKUMAR (KARUMKULAM)
SMT.REETHU JACOB
SMT.ANJANA SURESH.E
SMT.HASNA JABIL
SMT.ANN GINI ROY
SHRI.VENKETESH S.P.
SMT.MAHALEKSHMY P.S
SMT.SEETHAL P.S.
SMT.R.K.CHIRUTHA

RESPONDENT/STATE:

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

SRI.THOMAS SABU VADAKKEKUT-PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04.11.2026, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

‘C.R.’

ORDER

This application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail.

2. The applicant is the sole accused in Crime No.1273/2026 of Kunnamkulam Police Station, Thrissur District. The offences alleged are punishable under Section 105 of the Bharatiya Nyaya Sanhita, 2023 (for short, BNS) and Section 185 of the Motor Vehicles Act, 1988 (for short, ‘MV Act’).

3. The prosecution case, in short, is that on 05.10.2026 at about 10.30 p.m., the applicant drove a Scorpio Car bearing registration No. KL-45-B-4008, in a rash and negligent manner under the influence of alcohol, so as to endanger human life, and collided with a motorcycle bearing registration No. KL-46-F-3110 ridden by one Lenin, causing grievous injuries resulting in his death.

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

5. The learned counsel appearing for the applicant submitted that the applicant has been falsely implicated and is innocent of the allegations levelled against him. According to the learned counsel, the incident was purely accidental in nature and cannot be attributed to any deliberate or intentional act of the applicant. It was further submitted that the essential ingredients of Section 105 of the BNS are absent, inasmuch as the applicant had neither the requisite intention nor the knowledge necessary to attract the said provision. On the aforesaid premises, it was argued that the applicant is entitled to the relief of bail. The learned Public Prosecutor, however, opposed the application, contending that the incident was the outcome of the applicant's intentional criminal conduct and that no grounds are made out for granting bail at this stage.

6. The materials on record reveal that the applicant and the deceased were travelling on their respective vehicles along the Choondal-Kunnamkulam road, which runs in an east-west direction from Choondal towards Kunnamkulam. The prosecution case is that the car ridden by the applicant struck the rear portion of the motorcycle ridden by the deceased when the latter allegedly took a right turn towards Unity Hospital, Kanippayur. The

Certificate of Drunkenness indicates that the applicant was under the influence of alcohol at the relevant time. The breath analyser test is stated to have recorded a blood alcohol concentration of 86 mg per 100 ml of blood, as against the prescribed permissible limit of 30 mg per 100 ml. At the same time, it is seen that the investigation is almost complete and that the applicant has no criminal antecedents. Having regard to the stage of the investigation and the antecedents of the applicant, I am of the view that his continued custodial detention is not warranted for the purposes of investigation. In the above circumstances, the applicant is entitled to be released on bail, subject to the following conditions:

(i) He shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Magistrate/Court.

(ii) He shall fully co-operate with the investigation.

(iii) He shall appear before the investigating officer between 10.00 a.m. and 11.00 a.m. every Saturday until further orders. He shall also appear before the investigating officer as and when required.

(iv) He shall not commit any offence of a like nature while on bail.

(v) He shall not attempt to contact any of the prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vi) He shall not leave the State of Kerala without the permission of the trial court.

(vii) The application, if any, for deletion/modification of the bail conditions or cancellation of bail on the grounds of violating the bail conditions shall be filed at the jurisdictional court.

7. Instances of road traffic accidents attributable to drunken driving are a matter of serious and growing concern. Such incidents result in the loss of innumerable lives and leave families and communities irreparably affected. Recognising the grave threat posed by drunken and reckless driving to public safety, the MV Act confers upon the Licensing Authority the power to disqualify a person from holding a driving licence or to revoke the same in appropriate cases. Section 19(1) of the MV Act enumerates the circumstances in which such power may be exercised. Under clause (c) thereof, where the Licensing Authority, after affording the holder of the driving licence an

opportunity of being heard, is satisfied that he has used or has been using a motor vehicle in the commission of a cognizable offence, it may, for reasons to be recorded in writing, disqualify such person for a specified period from holding or obtaining a driving licence, or revoke the licence altogether. The legal position is well settled that, whenever the Licensing Authority is satisfied that the holder of a driving licence has used a motor vehicle in the commission of a cognizable offence, it is competent to initiate proceedings under Section 19 of the MV Act (See ***Peethambaran T.R. v. Additional Licensing Authority*** 2012 (3) KLT 622). It is equally well settled that the exercise of power under Section 19(1) of the MV Act is not contingent upon a finding of guilt by a competent criminal court. The Licensing Authority may independently arrive at the requisite satisfaction on the materials available before it and pass an order of disqualification or revocation in accordance with law (See ***Sijo Joseph v. Transport Commissioner and Others***, 2020 (1) KHC 321). Thus, where the conditions stipulated under Section 19(1) of the MV Act are satisfied, the Licensing Authority is not required to await the culmination of the criminal proceedings and may invoke its statutory powers forthwith, subject to compliance with the principles of natural justice.

8. Under clause (f) of sub-section (1) of Section 19 of the MV Act, the Licensing Authority may make such an order if it is satisfied, after giving the holder of a driving licence an opportunity of being heard, that he has committed any such act, which is likely to cause nuisance or danger to the public, as may be prescribed by the Central Government, having regard to the objects of the said Act. Rule 21 of the Central Motor Vehicles Rules, 1989 deals with the powers of the Licensing Authority to disqualify. As per Rule 21, for the purpose of clause (f) of sub-section (1) of Section 19 of the MV Act, the commission of the acts enumerated in clauses (1) to (25) thereof, by the holder of a driving licence shall constitute nuisance or danger to the public.

9. The Supreme Court Committee on Road Safety (SCCoRS), constituted pursuant to the directions of the Hon'ble Supreme Court in ***S. Rajaseekaran v. Union of India*** [(2014) 6 SCC 36] for monitoring and overseeing the implementation of road safety measures across the country, has directed all States and Union Territories to take action under Section 19 of the MV Act read with Rule 21 of the Central Motor Vehicles Rules by suspending driving licences for a period of not less than three months in cases involving: (i) driving at a speed exceeding the prescribed limit, including red-light violations; (ii) overloading of

goods carriages and carriage of passengers in goods vehicles; (iii) driving under the influence of alcohol or drugs; and (iv) use of mobile phones while driving. Following the principles laid down in ***Rajaseekaran*** (supra) and the directions issued by the Supreme Court Committee on Road Safety, this Court, in ***Anoop v. State of Kerala*** [2019 (4) KLT 615], held that, upon detection of offences such as overspeeding, overloading, drunken driving, use of mobile phones while driving, and other similar violations, the duly authorised police officers and officers of the Motor Vehicles Department shall forthwith forward the driving licence of the offending driver to the Licensing Authority, enabling it to initiate proceedings under Section 19(1) of the MV Act.

10. Despite these statutory provisions and judicial directives, it appears that the power of disqualification or revocation of driving licences under Section 19 of the MV Act is invoked only sparingly. Such reluctance undermines the legislative intent underlying the provision and diminishes its deterrent effect. At a time when incidents of drunken driving continue to claim precious lives and leave families devastated, it is imperative that the authorities exercise the powers conferred under Section 19 of the MV Act with the seriousness that the situation demands. Effective enforcement of the provision would

not only serve the purpose of accountability but would also act as a powerful deterrent against irresponsible and dangerous conduct on public roads.

11. The significance of road safety has recently been underscored by the Hon'ble Supreme Court in ***Re: Phalodi Accident v. National Highways Authority of India and Others*** [2026 SCC OnLine SC 646], wherein the Court expressly linked road safety to the guarantee of life and personal liberty under Article 21 of the Constitution. Emphasising that the safety of the commuter forms an integral facet of the right to live with dignity, the Court observed that ensuring safe road conditions is not merely a matter of policy but a constitutional obligation resting upon the State. Exercising its powers under Article 142 of the Constitution, the Supreme Court proceeded to issue pan-India directions aimed at reducing road fatalities and strengthening road safety governance.

12. In the aforesaid circumstances, this Court deems it appropriate to direct the Transport Commissioner to ensure, through the competent enforcement authorities of the Motor Vehicles Department, that prompt and effective action is taken under Section 19(1) of the MV Act read with Rule 21 of the Central Motor Vehicles Rules in appropriate cases involving drunken

driving. In particular, where a road traffic accident is prima facie attributable to a driver's state of intoxication, the Licensing Authority shall examine the matter without delay and consider the initiation of proceedings for disqualification or revocation of the driving licence in accordance with law.

13. The learned Public Prosecutor, on instructions, submitted that no steps have so far been taken for initiating proceedings under Section 19 of the MV Act against the applicant. In the light of the statutory scheme and the directions referred to above, the Investigating Officer shall forthwith transmit the driving licence of the applicant along with the relevant records to the competent Licensing Authority for initiating proceedings under Section 19(1) of the MV Act. The Licensing Authority shall thereupon proceed with the matter in accordance with law after complying with the principles of natural justice.

The bail application is disposed of as above. The Registry is directed to forward a copy of this order to the Transport Commissioner, Kerala.

Sd/-

DR. KAUSER EDAPPAGATH

JUDGE

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APPENDIX OF BAIL APPL. NO. 6173 OF 2026

PETITIONER ANNEXURES

Annexure A1	**THE TRUE COPY OF THE ORDER DATED 09.10.2026 IN C.M.P. NO. 1/2026 PASSED BY THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE COURT, KUNNAMKULAM**
Annexure A2	**THE COPY OF THE REMAND REPORT IN CRIME NO. 1273/2026 OF KUNNAMKULAM POLICE STATION**