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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

TUESDAY, THE 24TH DAY OF NOVEMBER 2026/3RD AGRAHAYANA, 1948

BAIL APPL. NO. 7064 OF 2026

CRIME NO.1107/2026 OF CRIME BRANCH POLICE STATION, KOZHIKODE,

AGAINST THE ORDER DATED 04.11.2026 IN Bail Appl. NO.6674 OF 2026 OF HIGH COURT OF KERALA

PETITIONER/ACCUSED NO.1:

R. PREMKUMAR,S/O. RAVINDRAN,
AGED 58 YEARS
9/10, M M RESIDENCY, BHATTACHARY STREET, SANJAY GANDHI NAGAR, VIRUGAMBAKKAM, CHENNAI, TAMIL NADU, PIN - 600092

BY ADVS. SRI.P.VIJAYABHANU (SR)
SRI.SAIJO HASSAN
SRI.BENOJ C AUGUSTIN
SHRI.ABRAHAM J. KANIYAMPADY
SHRI.SANGEETH MOHAN
SHRI.BAPPU GALIB SALAM

RESPONDENTS/STATE:

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

2 **THE DEPUTY SUPERINTENDENT OF POLICE-I,**
CRIME BRANCH (EOW), KOZHIKODE AND WAYANAD, KOZHIKODE, KERALA, PIN - 673004

*3 **ARUN KASYAP,AGED 37 YEARS,**
S/O BALAKRISHNAN NAMBOODIRI,
PUTHUSSERY ILLAM, VAKAYADU POST,
NADUVANOOR, KOZHIKODE – 673614 (*IMPLEADED AS ADDL.RESPONDENT NO.3 AS PER ORDER DATED 23/11/2026

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IN CRL.M.A.NO.1/2026 IN BA NO.7064/2026)

BY ADVS.
SRI.S.RAJEEV (SR.)
SHRI.SARATH K.P.
SHRI.K.S.KIRAN KRISHNAN
SHRI.ANILKUMAR C.R.
SHRI.AKASH CHERIAN THOMAS
SHRI.T.P.ARAVIND
SMT.AKSHARA S.
SMT.NIVEDITA RAJEEV
SHRI.EBEE ANTONY
SRI.M.S.ANEER
SMT.DIPA V.

OTHER PRESENT:

ADV.T.ASAF ALI, DGP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24.11.2026, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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ORDER

This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, BNSS), seeking pre-arrest bail.

2. The applicant is the accused No.1 in Crime No.1107/2026 of Crime Branch Police Station, Kozhikode. The offences alleged are punishable under Sections 316(5) and 318(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case in short is as follows: The applicant, who was the former President and presently an ordinary member of Bharath Lajhna Multi State Housing Co-operative Society Ltd. (for short, BLM Society) exerted undue influence over the Society, diverted and misappropriated its funds. It is alleged that by using BLM membership, the applicant transferred a sum of Rs.30 crores to his SBI account. It is further alleged that the BLM Society purchased Ragom Theatre at Thrissur for a sum of Rs.75 crores and thereafter mortgaged it with Brios Finvest India Ltd. for Rs.50 crores and the said amount was transferred to the personal account of the applicant instead of crediting it to the account of the BLM Society. It is further alleged that Vivin Luxury Suites, Thiruvananthapuram valued at Rs.8.75 crores was purchased in the name of the applicant's wife

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utilizing the funds of the Society. It is also alleged that the applicant and his family members availed loans of approximately Rs.160 crores from the BLM Society which remain unpaid and that approximately 500 Acres of land purchased at Kanchipuram, Tamil Nadu were registered in the name of the applicant's wife. FIR records also an allegation that the applicant by using the identification and accounts of the BLM Society caused transaction of approximately Rs.80 crores through various accounts thereby causing wrongful loss to the BLM Society.

4. The applicant was arrested on 29/10/2026 and upon finding that compliance with the mandatory procedural safeguards under Sections 47 and 48 of the BNSS had not been established, the Judicial First-Class Magistrate Court - IV Kozhikode directed the release of the applicant on 30/10/2026. Thereafter, by order dated 10/11/2026 in CMP No. 6/2026 in Crime Branch P.S.No.1107/2026, the learned Magistrate permitted the rearrest of the applicant. Thereafter, the applicant has filed this pre-arrest bail application apprehending arrest.

5. I have heard Sri.P.Vijayabhanu, the learned Senior Counsel for the applicant, Sri.S.Rajeev, the learned Senior Counsel for the respondent No. 3 and Sr.T.Asaf Ali, the learned Director General of Prosecution (DGP). Perused the case diary.

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6. The learned Senior Counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case. The learned Senior Counsel further submitted that no materials are on record to connect the applicant with the alleged crime; hence, he is entitled to bail. The learned Senior Counsel also submitted that the de facto complainant has filed an affidavit stating that the disputes have been amicably settled and that he has no objection to quash the FIR against the applicant. The learned DGP as well as the learned Senior Counsel for the respondent No.3, on the other hand, submitted that the alleged incident occurred as part of the applicant's intentional criminal acts, and if he is released on bail at this stage, it will affect the course of the investigation.

7. The crime was registered based on the complaint given by the former CEO of the BLM Society. He resigned from the said post on 10/7/2025. The applicant was the former President of the BLM Society. At present, he is only an ordinary member. The allegations in the FIR against the applicant can be summarised as follows:

a. The applicant transferred a sum of Rs.30 crores from the account of BLM to his own personal account.

b. Ragom Theatre, Thrissur, which is owned by BLM Society, was pledged with Brios Finvest for Rs.50 crores

and has transferred the same to the personal account of the applicant.

c. Payment for Vivin Luxury Suites, a hotel owned by four persons, was purchased with the funds of BLM Society in the name of Prabha Premkumar, the wife of the applicant.

d. Family members of the applicant obtained Rs.160 crores from the Society and did not repay.

e. 500 Acres of land purchased at Kanchipuram by using the Society's funds in the name of Prabha Premkumar, wife of the applicant.

8. A perusal of the case diary reveals that the investigating agency has collected *prima facie* materials to substantiate the above-mentioned allegations against the applicant. On verification of the bank accounts of the BLM Society as well as that of the applicant, it was found that the applicant has transferred a sum of Rs.30 crores from the account of the BLM Society to his personal account. Similarly, the investigation revealed that Ragom Theatre was purchased by the BLM Society from one Sri.George Neramparambil during 2024 for a sum of Rs.65,42,00,000/-, out of which a sum of Rs.19,95,00,000/- was transferred to the applicant's account from the account of Sri.George. It is further seen that Ragom Theatre was pledged

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with Brios Finvest India Ltd. for Rs.50 crores, and the said amount was transferred to the personal account of the applicant. On verification of the transaction details of the purchase of Vivin Luxury Suites, it is revealed that the said hotel was purchased from Smt.Vinaja, Smt.Jayasree Vikraman and Sri.Sreekanth with the funds of the BLM Society in the name of the applicant's wife. It is further revealed from the investigation that 500 Acres of land were purchased at Kanchipuram using the Society's funds in the name of the applicant's wife. It is also revealed in the investigation that the applicant's family members availed Rs.160 crores from the Society as a loan, and the same has not been repaid.

9. The law regarding the grant or refusal of pre-arrest bail is well settled. Pre-arrest bail cannot be granted as a matter of course. The power under Section 482 of BNSS could be exercised only when a special case is made out, that too, recording reasons thereof. The case diary clearly shows that the accusation made against the applicant is very serious in nature and it *prima facie* shows a premeditated criminal act on his part. The fact that the defacto complainant has filed an affidavit stating that he has settled the dispute with the applicant is not a ground to grant pre-arrest bail to the applicant inasmuch as the materials on record

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prima facie show that the applicant misappropriated crores of rupees of the Society. The defacto complainant is only an informant who set the law in motion. The respondent No.3 is one of the victims who allegedly made deposit in the Society. He strongly opposed the application.

The investigation is in a preliminary stage. The custodial interrogation of the applicant is necessary for the investigation. As rightly argued by the learned DGP, the possibility of the applicant influencing the witnesses and interfering with the investigation cannot be ruled out if he is released on bail. Considering the gravity of the offence and stage of the investigation, I am of the view that this is not a fit case where the extraordinary jurisdiction vested with this Court under Section 482 of BNSS could be invoked. The bail application is, accordingly, dismissed.

Sd/-
DR. KAUSER EDAPPAGATH
JUDGE

Rp

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APPENDIX OF BAIL APPL. NO. 7064 OF 2026

PETITIONER ANNEXURES

Annexure-A1	**TRUE COPY OF THE FIRST INFORMATION REPORT BEARING CRIME NO. 1107 OF 2026 REGISTERED BY CRIME BRANCH POLICE STATION**
Annexure-A2	**TRUE COPY OF THE FIRST INFORMATION STATEMENT DATED 27.04.2026**
Annexure-A3	**TRUE COPY OF THE FIRST INFORMATION REPORT BEARING CRIME NO.277 OF 2026 DATED 27.04.2026 REGISTERED BY NADAKKAVU POLICE STATION**
Annexure-A4	**TRUE COPY ALONG WITH TYPED COPY OF RELEVANT EXTRACTS OF THE ORDER BEARING NO.D4-89217/2026/PHQ DATED 08.05.2026 ISSUED BY THE STATE POLICE CHIEF**
Annexure-A5	**TRUE COPY ALONG WITH TYPED COPY OF RELEVANT EXTRACTS OF LETTER DATED 16.05.2026 ISSUED BY THE DEPUTY SUPERINTENDENT OF POLICE-I, CRIME BRANCH, KOZHIKODE**
Annexure-A6	**TRUE COPY OF AFFIDAVIT DATED 03.10.2026 FILED BY NAVEEN S. BEFORE THIS HON'BLE COURT IN CRL. MC. NO. 7919 OF 2026**
Annexure-A7	**TRUE COPY OF THE ORDER DATED 30.10.2026 PASSED BY JUDICIAL FIRST CLASS MAGISTRATE IV, KOZHIKODE**
Annexure-A8	**TRUE COPY OF THE ORDER DATED 04.11.2026 PASSED BY THIS HON'BLE COURT IN B.A. NO. 6674 OF 2026**
Annexure-A9	**TRUE COPY OR ORDER DATED 10.11.2026 PASSED BY THE JUDICIAL FIRST-CLASS MAGISTRATE IV, KOZHIKODE IN C.M.P. NO. 6 OF 2026**
Annexure-A10	**TRUE COPY OF THE ORDER DATED 10.11.2026 PASSED BY THIS HON'BLE COURT IN W.P.(C) NO. 38396 OF 2026**
Annexure-A11	**TRUE COPY OF THE ORDER DATED 17.01.2025 PASSED BY THIS HON'BLE COURT IN CRL.M.C. NO. 10162 OF 2024**
Annexure-A12	**TRUE COPY OF THE FIRST INFORMATION REPORT BEARING CRIME NO.279 OF 2026 REGISTERED BY KAKKOOR POLICE STATION**
Annexure- A13	**A copy of the order dated 27.03.2026**



issued by Office of Cooperative Ombudsman