

**IN THE COURT OF THE SESSIONS JUDGE,  
THIRUVANANTHAPURAM**

PRESENT : SRI. P.V. BALAKRISHNAN, SESSIONS JUDGE  
Tuesday, the 19<sup>th</sup> day of July 2022 / 28<sup>th</sup> Ashada 1944

**CRIMINAL M.P. No. 1781/2022**

(Crime No. 511/2022 of Valiyathura Police Station pending  
before the Principal Sessions Court, Thiruvananthapuram)

**PETITIONER / 4<sup>th</sup> ACCUSED :-**

Sabarinadhan K.S.,  
aged 38 years, S/o. Late G. Karthikeyan,  
Abhayam, Sreeragam House, Sasthamangalam,  
Thiruvananthapuram.

***By Advs. Kowdiar. S. Mohandas and Mirdul John Mathew.***

**COUNTER PETITIONERS :-**

1. Station House Officer,  
Valiyathura Police Station.
2. Assistant Commissioner of Police,  
Shanghumughom Sub Division,  
Beach P.O., Thiruvananthapuram - 695007.
3. The State of Kerala

***By Public Prosecutor, Sri. A.A Hakkim.***



This Crl.M.P. coming on for hearing on 19.07.2022 and the court on the same day passed the following :-

**ORDER**

This is a petition filed u/s. 439 of the Code of Criminal Procedure.

2. Petitioner is the 4<sup>th</sup> accused in Crime No. 511/2022 of Valiyathura Police Station, for alleged to have committed the offences punishable u/ss. 120B, 332 and 307, r/w Section 34 of the Indian Penal Code, Section 11A of

the Aircraft Act, 1934, Rule 22 of Aircraft (Investigation of Accidents and Incidents) Rules, 2012, and Sections 3(1)(a) and 3A (1)(a) of The Suppression of Unlawful Acts Against Safety of Civil Aviation Act, 1982.

3. The prosecution case is that, on 13.06.2022 at about 5 p.m., when INDIGO Flight No. 6E-7407, carrying the Chief Minister, landed in Thiruvananthapuram Airport, the accused Nos. 1 to 3, disobeying the instructions of the Crew Member, by uttering political slogans and threatening to kill the Chief Minister, who was sitting in Seat No. 20A, tried to attack him and attempted to kill him. It is alleged that, the 4<sup>th</sup> accused, who was the Vice President of the State Youth Congress, has conspired with the other accused and has instigated and aided them in committing the afore acts. It is also alleged that, the 4<sup>th</sup> accused has posted various posts in a Whatsapp group regarding the movement of the Chief Minister and about the plan to attack him and has given instructions to accused Nos. 1 and 3 through his mobile phone to attack and commit murder of the Chief Minister.

4. Heard both sides and perused the records.

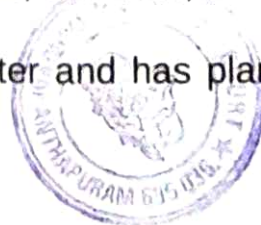
5. The learned counsel for the petitioner submitted that the petitioner is innocent of the allegations levelled against him. He also submitted that, the petitioner has appeared before the Investigating Officer, as a law abiding citizen, when he received notice asking him to appear for questioning, and he was maliciously arrested. He further submitted that, the petitioner is an Ex.MLA and there is no chance of him fleeing from justice and that he is



ready to abide by any conditions imposed by this court. He argued that, the only reason, for which the prosecution is opposing the bail application, is for seizing his mobile phone and the petitioner is ready to surrender the said phone at any point of time. He submitted that, there are absolutely no other grounds for detaining him. He also argued that, the petitioner has been arrested and inculpated in this crime only because of political vengeance. Hence, he prayed that the petitioner may not be put behind bars and bail may be granted to him.

6. The learned Public Prosecutor opposed this petition vehemently. He submitted that the petitioner is the mastermind behind the attack against the Chief Minister. He argued that, it is the petitioner, who has conspired with the other accused and has given instructions to the other accused to attack the Chief Minister and all the communications have been made through his mobile phone. He further submitted that, police custody of the petitioner is very much required for recovering the said mobile phone and to prove the case of the prosecution and an application for the same is also filed. Hence, he prayed that, bail may not be granted to the petitioner.

7. On going through the records, it is to be seen that, the allegation against the petitioner is that, he has conspired with the other accused and has given instructions/abetted them in attacking the Chief Minister in the flight. It is alleged that, it is the petitioner, who has, through Whatsapp posts, informed the itenary of the Chief Minister and has planned the attack. It is



also alleged that, the petitioner has communicated with accused Nos. 1 and 3 through his mobile phone and has given necessary instructions to them to commit murder of the Chief Minister. As stated earlier, the learned Public Prosecutor is opposing this application only because of the fact that the phone used by the petitioner has to be seized/recovered for proving the allegations. On the other hand, the learned counsel for the petitioner submits that the Investigating Officer, till time, has not asked the petitioner to surrender his mobile phone and he is ready to surrender the mobile phone at any time. The records show that, accused Nos. 1 and 2 have already been released on bail and the 3<sup>rd</sup> accused has been granted anticipatory bail by the Hon'ble High Court. It is also shows that, accused Nos. 1 to 3 have been interrogated in extenso and even the mobile phone of the 3<sup>rd</sup> accused has been seized about a month ago. But, nothing is available on record to show that, such interrogation/investigation has revealed any conspiracy part, as alleged now. On the other hand, the petitioner has produced the screenshot of the alleged Whatsapp chats, which the prosecution also do not dispute. The said chats prima facie do not reveal any idea of committing murder rather than staging a protest. It is further to be seen that, the petitioner is an Ex.MLA and there is no chance of him fleeing from justice. The said fact is also affirmed by his conduct of appearing before the police for questioning when he received notice. Therefore, considering the entire facts, including the nature of allegations, I am of the view that custodial interrogation of the



petitioner is not at all required in this case. I am also of the view that the interest of the prosecution to conduct a fair investigation can be protected by imposing appropriate conditions, including surrender of the mobile phone. Ergo, considering all the afore facts, I am of the view that further detention of the petitioner is not required and bail can be granted to him, subject to strict terms and conditions.

**In the result**, this petition is allowed as follows:-

1. Petitioner shall be released on bail on executing bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties for the like sum each, and also on condition that he surrenders his mobile phone along with sim, before this court at the time of executing the bond.
2. After release, the petitioner shall appear before the Investigating Officer on 20.07.2022, 21.07.2022 and 22.07.2022 at 10 a.m. and co-operate with the investigation. Thereafter, the petitioner shall appear before the Investigating Officer, as and when required by him.
3. The petitioner shall not influence/intimidate the witnesses or tamper with the evidence or shall commit any other crime while on bail.
4. In case of violation of any of the above conditions, the prosecution will be at liberty to move this court for cancelling the bail.

*Dictated to the Confidential Assistant, transcribed and typed by him, revised and corrected by me and pronounced on this the 19<sup>th</sup> day of July 2022.*

Sd/-

**P.V. BALAKRISHNAN**  
SESSIONS JUDGE

(True copy)

By Order

**SHERISTADAR**

Copies (4)

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