

Shamhoon S K vs State Of Kerala on 21 January, 2025

Author: P.V.Kunhikrishnan

Bench: P.V.Kunhikrishnan

B.A.No.10078 of 2024 & connected cases

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2025:KER:4606

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
TUESDAY, THE 21ST DAY OF JANUARY 2025 / 1ST MAGHA, 1946
BAIL APPL. NO. 10078 OF 2024
CRIME NO.12/2024 OF CYBER CRIME POLICE STATION,
PATHANAMTHITTA, PATHANAMTHITTA
PETITIONER(S)/ACCUSED:

MUHAMMED RAFEEQ
AGED 38 YEARS
S/O- ABDUL AZEEZ, KATTATH,
TANALUR, MALAPPURAM,
KERALA, PIN - 676307

BY ADVS.
T.S.SARATH
MANU RAMACHANDRAN
R.RAJESH (VARKALA)
M.KIRANLAL
SAMEER M NAIR
SAILAKSHMI MENON
SABIKH MOHAMMED V.S
JOTHISHA K.A.
AASHI K. SHAJAN
MINZA FATHIMA SALIM M.

RESPONDENT(S)/STATE & I.O:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - 682031
- 2 THE STATION HOUSE OFFICER
CYBER CRIME POLICE STATION,
PATHANAMTHITTA,
PIN - 689645

BY ADV.

B.A.No.10078 of 2024 & connected cases

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2025:KER:4606

SRI.NOUSHAD K.A., SENIOR PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21.01.2025, ALONG WITH Bail Appl..6740/2024, 8950/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

B.A.No.10078 of 2024 & connected cases

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2025:KER:4606

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
TUESDAY, THE 21ST DAY OF JANUARY 2025 / 1ST MAGHA, 1946
BAIL APPL. NO. 6740 OF 2024

CRIME NO.522/2024 OF HARBOUR POLICE STATION, ERNAKULAM
PETITIONER(S):

MOHAMMED KUTTY P.K.,
AGED 43 YEARS
S/O. KOYAKUTTY, PALAPPURA KOTTOTH HOUSE, KAPPUR,
PALAKKAD, KERALA, PIN - 679552

BY ADVS.
T.S.SARATH
MANU RAMACHANDRAN
M.KIRANLAL
R.RAJESH (VARKALA)
SAMEER M NAIR
JOTHISHA K.A.
SAILAKSHMI MENON
AASHI K. SHAJAN
SMT.AKHILA B.

SABIKH MOHAMMED V.S
HARISANKAR R

RESPONDENT(S)/STATE & I.O:

- 1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, PIN - 682031
- 2 THE STATION HOUSE OFFICER,
HARBOUR POLICE STATION, WILLINGDON ISLAND, KOCHI
B.A.No.10078 of 2024 & connected cases

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2025:KER:4606

CITY, ERNAKULAM DISTRICT, PIN - 682003

BY ADV.
SRI.NOUSHAD K.A., SENIOR PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
21.01.2025, ALONG WITH Bail Appl..10078/2024 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
B.A.No.10078 of 2024 & connected cases

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2025:KER:4606

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
TUESDAY, THE 21ST DAY OF JANUARY 2025 / 1ST MAGHA, 1946
BAIL APPL. NO. 8950 OF 2024
CRIME NO.419/2024 OF POOCHAKKAL POLICE STATION, ALAPPUZHA
PETITIONER(S)/ACCUSED:

VARGHESE BABY
AGED 60 YEARS

S/O. K.S. BABY, RESIDENT OF KURAVAN PARAMBIL,
MUKKAVALA, KAYAMKULAM, ALAPPUZHA, PIN - 690502

BY ADVS.
HARIKRISHNAN M.S.
VISHNU VIJAYAN

RESPONDENT(S) :

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - 682031
- 2 THE STATION HOUSE OFFICER
POOCHAKAL POLICE STATION, ALAPPUZHA, PIN - 688526
- 3 GEORGE JOSEPH
S/O. V.A JOSEPH, RESIDENT OF VARYAMPARAMBIL,
MANAPPURAM P.O, THYCKATTUSSERY PW-6,
ALAPPUZHA, PIN - 688526

BY ADV. SRI.NOUSHAD K.A., SENIOR PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
21.01.2025, ALONG WITH Bail Appl..10078/2024 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
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2025:KER:4606

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
TUESDAY, THE 21ST DAY OF JANUARY 2025 / 1ST MAGHA, 1946
BAIL APPL. NO. 9519 OF 2024

CRIME NO.401/2024 OF INFOPARK POLICE STATION, ERNAKULAM
AGAINST THE ORDER/JUDGMENT DATED IN BAIL APPL.
NO.6800 OF 2024 OF HIGH COURT OF KERALA
PETITIONER(S)/ACCUSED (RANKS NOT KNOWN):

- 1 RINOY ANIL,
AGED 32 YEARS
S/O. ANIL KUMAR, NELLİYAT HOUSE, CHOYVA PO,
KANNUR, PIN - 670006
- 2 BIPIN PADMANABHAN
AGED 28 YEARS
S/O. PADMANABHAN, LAKSHMI NILAYAM, NEAR CHALAD

Shamhoon S K vs State Of Kerala on 21 January, 2025
TEMPLE, CHALAD PO, KANNUR, PIN - 670014

BY ADVS.
C.RAJENDRAN
R.S.SREEVIDYA
MANU MOHAN

RESPONDENT(S)/COMPLAINANT:

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

BY ADV.SRI.NOUSHAD K.A., SENIOR PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
21.01.2025, ALONG WITH Bail Appl..10078/2024 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
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2025:KER:4606

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
TUESDAY, THE 21ST DAY OF JANUARY 2025 / 1ST MAGHA, 1946
BAIL APPL. NO. 9599 OF 2024
CRIME NO.108/2024 OF CYBER CRIME POLICE STATION, THRISSUR,
THRISSUR
PETITIONER(S)/ACCUSED:

ALEN ANTONY
AGED 22 YEARS
S/O- ANTONY JACOB, GOPARATHINKAL HOUSE, BOLGATTY,
MULAVUGAD P O, ERNAKULAM, PIN - 682504

BY ADVS.
T.S.SARATH
MANU RAMACHANDRAN
R.RAJESH (VARKALA)
M.KIRANLAL
SAMEER M NAIR
SAILAKSHMI MENON
JOTHISHA K.A.
AASHI K. SHAJAN
MINZA FATHIMA SALIM M.

RESPONDENT(S)/STATE & I.O:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - 682031
- 2 THE STATION HOUSE OFFICER
CYBER CRIME POLICE STATION, THRISSUR, KERALA,
PIN - 680006

B.A.No.10078 of 2024 & connected cases

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2025:KER:4606

BY ADV.
SRI.NOUSHAD K.A., SENIOR PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
21.01.2025, ALONG WITH Bail Appl..10078/2024 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
B.A.No.10078 of 2024 & connected cases

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2025:KER:4606

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
TUESDAY, THE 21ST DAY OF JANUARY 2025 / 1ST MAGHA, 1946
BAIL APPL. NO. 9914 OF 2024
CRIME NO.419/2024 OF POOCHAKKAL POLICE STATION, ALAPPUZHA
AGAINST THE ORDER/JUDGMENT IN BAIL APPL. NO.8950 OF
2024 OF HIGH COURT OF KERALA
PETITIONER(S)/ACCUSED NO.5:

AFSAR P.P.,
AGED 29 YEARS
S/O. ALIKUTTY, PAREECHANTE PURACKAL,
EDAKKADAPPURAM,TANUR, MALAPPURAM, PIN - 676302

BY ADVS.
K.R.VINOD
M.S.LETHA
GEORGE ROY
ATHIRA K.S.

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - 682031

BY ADV.
SRI.G.SUDHEER, PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
21.01.2025, ALONG WITH Bail Appl..10078/2024 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
B.A.No.10078 of 2024 & connected cases

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2025:KER:4606

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
TUESDAY, THE 21ST DAY OF JANUARY 2025 / 1ST MAGHA, 1946
BAIL APPL. NO. 9971 OF 2024
CRIME NO.1/2024 OF CYBER CRIME POLICE STATION,
PATHANAMTHITTA, PATHANAMTHITTA
PETITIONER(S)/ACCUSED:

AMINA FARSANA M.N.,
AGED 29 YEARS
C/O. MUNEER, ANTHRA, MOOCHIKKAL HOUSE,
THANNEERCODE P.O., PATTISSERY, CHALISSERY,
PALAKKAD DISTRICT, PIN - 679536

BY ADVS.
ALBIN A. JOSEPH
SUSANTH SHAJI
SIDHARTH O.
NEKHA VARGHESE

RESPONDENT(S):

1 STATE OF KERALA,

REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, PIN - 682031

2 STATION HOUSE OFFICER, CYBER CRIME POLICE
STATION, PATHANAMTHITTA, THAZHEVETIPRAM,
PATHANAMTHITTA, KERALA, PIN - 689645

BY ADV. SRI.HRITHWIK C.S., SENIOR PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
21.01.2025, ALONG WITH Bail Appl..10078/2024 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
B.A.No.10078 of 2024 & connected cases

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2025:KER:4606

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
TUESDAY, THE 21ST DAY OF JANUARY 2025 / 1ST MAGHA, 1946
BAIL APPL. NO. 10116 OF 2024
CRIME NO.24/2024 OF CYBER CRIME POLICE STATION, ALAPPUZHA,
ALAPPUZHA

PETITIONER(S)/ACCUSED:

ASMA M. S
AGED 28 YEARS
ASMA M.S, AGED 28 YEARS, W/O HAMSATH , THARAYIL
HOUSE, ANJOOR, NHAMANGHAT, VADAKKEKAD, THRISSUR,
PIN - 679563

BY ADVS.
ALBIN A. JOSEPH
SUSANTH SHAJI
SIDHARTH O.
NEKHA VARGHESE

RESPONDENT(S)/STATE/INVESTIGATING OFFICER:

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

2 STATION HOUSE OFFICER
CYBER CRIME POLICE STATION, MUKHAM PURAYIDOM,
CIVIL STATION WARD, ALAPPUZHA, PIN - 688012

BY ADV.SRI.G.SUDHEER, PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21.01.2025, ALONG WITH Bail Appl..10078/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
B.A.No.10078 of 2024 & connected cases

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2025:KER:4606

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
TUESDAY, THE 21ST DAY OF JANUARY 2025 / 1ST MAGHA, 1946
BAIL APPL. NO. 11340 OF 2024
CRIME NO.1123/2024 OF ARTHUNGAL POLICE STATION, ALAPPUZHA
PETITIONER(S)/RESPONDENT:

SHAMHOON S K
AGED 38 YEARS
S/O.SUBAIR KUTTY, THUNDILAVILA, PADINJATTATHIL
KAMPALADY, PORUVAZHY KOLLAM, PIN - 690520

BY ADV P.T.JOSE
RESPONDENT(S):

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - 682031
- 2 SHO ARTHUNGAL POLICE STATION
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - 682031

BY ADV.
SRI. NOUSHAD K.A., SENIOR PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21.01.2025, ALONG WITH Bail Appl..10078/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
B.A.No.10078 of 2024 & connected cases

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2025:KER:460

P.V.KUNHIKRISHNAN, J

B.A.No.10078, 6740, 8950, 9519, 9599,
9914, 9971, 10116 & 11340 of 2024

Dated this the 21st day of January, 2025

ORDER

These bail applications are filed by the petitioners apprehending arrest in Crime Nos.12/2024 of Cyber Crime Police Station, Pathanamthitta, 522/2024 of Harbour Police Station, Ernakulam, 419/2024 of Poochakal Police Station, Alappuzha, 401/2024 of Infopark Police Station, Ernakulam, 108/2024 of Cyber Crime Police Station, Thrissur, 419/2024 of Poochakal Police Station, Alappuzha, 1/2024 of Cyber Crime Police Station, Pathanamthitta, 24/2024 of Cyber Crime Police Station, Alappuzha and 1123/2024 of Arthungal Police Station, Alappuzha. All these cases are registered alleging offences inter alia under Section 318(4) of the Bharatiya Nyaya Sanhita (BNS), 2023 & Section 66D of the Information Technology Act, 2000.

2. The crux of the allegation is that, the B.A.No.10078 of 2024 & connected cases 2025:KER:4606 petitioners committed online fraud. Different contentions are raised by the counsel appearing for the petitioners, stating that, even if the entire allegations are accepted, the ingredients of the offences alleged are not attracted. I cannot decide the same in a bail application, because the investigation is going on. But these bail applications can be disposed of on a short point. The maximum punishment that can be imposed for the offences alleged against the petitioners are below seven years. If that be the case, the petitioners can surrender before the Investigating Officer and the Investigating Officer can interrogate the petitioners. In these cases, the arrest can be recorded only in exceptional cases, that also for sufficient reasons. If the arrest of the petitioners is necessary, the Investigating Officer shall strictly follow the principle laid down by the Apex Court in Arnesh Kumar v. State of Bihar and Another [2014 (8) SCC 273].

3. Therefore, these bail applications are disposed of with the following directions.

- 1) The petitioners will surrender before the B.A.No.10078 of 2024 & connected cases 2025:KER:4606 Investigating Officer within two weeks from today.
- 2) If the petitioners surrender before the Investigating Officer as directed above, the Investigating Officer is free to interrogate the petitioners. The Investigating Officer is free to ask the petitioners to appear on consecutive days if necessary, but they shall not be arrested, till interrogation is over.
- 3) If the Investigating Officer feels that, the arrest is inevitable, even after interrogation, the Investigating Officer shall follow the principle laid down by the Apex Court in Arnesh Kumar's case (supra) and shall produce the accused before the

jurisdictional court on the date on which the arrest is recorded.

4) The petitioners are free to file bail application before the jurisdictional court at the time of producing them as directed above. If such a bail application is filed with advance copy to the prosecutor concerned, the jurisdictional court will consider that bail application in accordance with law and pass appropriate orders in it preferably on the date B.A.No.10078 of 2024 & connected cases 2025:KER:4606 of filing of the same itself. While deciding the bail application, the jurisdictional court shall scrupulously consider whether the Investigating Officer followed the principle laid down by the Apex Court in Arnesh Kumar's case (supra).

Sd/-

P.V.KUNHIKRISHNAN, JUDGE DM