



2025:KER:79910

B.A No.13140 of 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K. BABU

SATURDAY, THE 25TH DAY OF OCTOBER 2025 / 3RD KARTHIKA, 1947

BAIL APPL. NO. 13140 OF 2025

CRIME NO.1136/2025 OF KOIPURAM POLICE STATION,

PATHANAMTHITTA

PETITIONER/ACCUSED:

MUKESH MURALI
AGED 38 YEARS
S/O.M.R.MURALEEDHARAN,KIDANGIL HOUSE,
KUMBANADU MURI, KADAPARA.P.O,
KOIPURAM, PATHANAMTHITTA DISTRICT,
PIN - 689547

BY ADVS.
SRI.T.K.BIJU (MANJINIKARA)
SMT.ANNIE M.ABRAHAM
SHRI.KURIEN BIJU

RESPONDENTS/STATE/COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM, PIN - 682031
- 2 SUB INSPECTOR OF POLICE
KOIPURAM POLICE STATION,
KOIPURAM POLICE STATION,
PATHANAMTHITTA, PIN - 689548



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BY ADV
SMT.M.K.PUSHPALATHA, PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
25.10.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



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K.BABU, J.

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Dated this the 25th day of October, 2025

ORDER

This is an application seeking anticipatory bail filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. The petitioner has approached this Court directly for pre-arrest bail, without first approaching the Sessions Court for the said relief. The petitioner has not pleaded any exceptional circumstances that prevented him from approaching the Sessions Court concerned. In **Mohammed Rasal C v. State of Kerala** [Spl. Leave to Appeal (Crl) No.6588/2025], the Hon'ble Apex Court has observed that though concurrent jurisdiction is conferred upon the Sessions Court and the High Court, the hierarchy of Court demands that no person seeking remedy under Section 482 of BNSS should be encouraged to directly approach the High Court. The observation of the Hon'ble Apex Court is extracted below:



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“6. We find that in this case, the petitioners had approached the High Court directly for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS'),, without first approaching the Sessions Court for the said relief. We are of the opinion that though the concurrent jurisdiction is conferred upon the Sessions Court and the High Court to entertain a prayer for pre-arrest bail under Section 482 of the BNSS (formerly, Section 438 CrPC), the hierarchy of Courts demands that no person seeking such remedy should be encouraged or allowed to directly approach the High Court for exercising jurisdiction under Section 482 of the BNSS (formerly, Section 438 CrPC) by bypassing the jurisdiction of the concerned Sessions Court.”

3. In view of the fact that the petitioner has not placed any exceptional circumstances justifying him to directly approach this Court under Section 482 of the BNSS, the Bail Application stands rejected.

Sd/-
K.BABU,
JUDGE

KAS



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APPENDIX OF BAIL APPL. 13140/2025

PETITIONER ANNEXURES

Annexure-A

TRUE COPY OF THE COMPLAINT FILED BY
PETITIONER'S WIFE TO THE DISTRICT
POLICE CHIEF PATHANAMTHITTA DATED
18.10.2025