



2025:KER:87554

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

MONDAY, THE 17TH DAY OF NOVEMBER 2025 / 26TH KARTHIKA, 1947

BAIL APPL. NO. 13644 OF 2025

CRIME NO.20/2025 OF VACB, ERNAKULAM

AGAINST THE ORDER DATED 29.10.2025 IN CRMP NO.378 OF 2025 OF ENQUIRY

COMMISSIONER AND SPECIAL JUDGE (VIGILANCE), MUVATTUPUZHA

PETITIONER/1ST ACCUSED:

LALACHAN.V.M
AGED 40 YEARS
S/O. MICHEAL, 1/514, VAZHAKKOOTTATHIL HOUSE, MANGALAM,
THUMBOLI.P.O, ALAPPUZHA, PIN - 688008

BY ADVS.
SRI.HARISH GOPINATH
SMT.SURUMI NAZAR

RESPONDENTS/STATE & COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682031
- 2 THE DEPUTY SUPERINTENDENT OF POLICE
VIGILANCE AND ANTI CORRUPTION BUREAU, 38/2871, CBI RD, NEAR
CBI OFFICE, KATHRIKADAVU, KALOOR, KOCHI, ERNAKULAM, KERALA,
PIN - 682017

SPL PP VACB - RAJESH.A, SR PP VACB - REKHA.S

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 14.11.2025, THE
COURT ON 17.11.2025 DELIVERED THE FOLLOWING:

**“C.R”****ORDER****Dated this the 17th day of November, 2025**

This bail application has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail and the petitioner is the 1st accused in Crime No. VC 20 of 2025 of the VACB, Ernakulam, where he alleged to have committed offences punishable under Section 7(a) of the Prevention of Corruption (Amendment) Act, 2018, and under Section 61(2) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard the learned counsel for the petitioner as well as the learned Public Prosecutor, in detail. Perused the relevant materials available.

3. In this matter, the allegation of the prosecution is that, the first accused, who is the Superintendent at the Kochi Corporation, Edappally Zonal Office, and the second accused, who is the Revenue Inspector at the same office, together misused their official positions the intention to obtain unlawful financial gain to them. The specific case is that, on 06.05.2025, Smt.Darsha had submitted an online application



(No. TXPT-00555009-2025) at the Edappally Zonal Office for the transfer of ownership of her house. However, without taking any action on the said application, the first and second accused conspired to demand illegal gratification from her and thereby deliberately delayed the processing of the application. When Smt.Darsha's lawyer (the complainant) personally visited the Kochi Corporation Edappally Zonal Office on 13.10.2025 to enquire about the status of the application, the second accused demanded Rs.2,000/- and the first accused demanded Rs.5,000/- as illegal gratification for effecting change of ownership. They also instructed that the money be brought to the Edappally Zonal Office on 15.10.2025. Thereafter, as part of trap, the accused demanded and accepted bribe and on receiving the amount of bribe, both of them were arrested and bribe money was recovered. It is on this premise, the prosecution alleges commission of the above said offences, by the accused.

4. It is submitted by the learned counsel for the petitioner that, the petitioner is innocent and the bail application moved before the Special Court was dismissed as per Annexure-A2 order dated 29.10.2025 in CrI.M.P.



No.378/2025. The learned counsel for the petitioner submitted further that, no money was recovered from the possession of the petitioner and the same was recovered from the possession of the 2nd accused. The learned counsel for the petitioner canvassed regular bail to the petitioner, by pointing out custody of the petitioner from 16.10.2025 onwards and also the progress of investigation. He pointed out further that the petitioner/1st accused is ready to abide any condition imposed by this Court as a pre-requisite for granting bail to him.

5. The learned Public Prosecutor opposed the bail application by pointing out the seriousness of the offences alleged against the petitioner and also pointed out the increase in corruption cases in the present scenario. Though, the learned Public Prosecutor conceded that the petitioner has no criminal antecedents, she pointed out that there is chance for influencing the witnesses and tampering the evidence, in the event of release of the petitioner on bail.

6. On perusal of the report of the Investigating Officer along with the materials available, the offences alleged by the prosecution at the instance of the 1st accused has been made



out, *prima facie*. There are materials to show that the petitioner demanded bribe from the lawyer of Smt.Darsha to issue ownership certificate and also Rs.1,35,500/- was recovered from his house on search by the Investigating Officer. However, the fact remains is that, the petitioner has been in custody from 16.10.2025 and the investigation has achieved much progress.

7. Before parting, an unhealthy and shocking aspect required to be mentioned by adverting the facts of this case. It is pointed out by the learned Public Prosecutor on the date of admission of this bail application that, at the time of filing this bail application, another bail application filed by the petitioner herein before the Special Court has been pending. Accordingly, this Court called for information regarding filing of any bail application by the petitioner before the Special Court through telephone. On 14.11.2025, it is informed that after dismissal of the earlier bail application as per Annexure-A2 order in CrI.M.P. No.378/2025, the petitioner filed CrI.M.P. No.382/2025 on 05.11.2025 before the Special Court. Since the Special Judge was not available on 06.11.2025, the said petition was forwarded to the Special Court, Kottayam. This



bail application has been filed on 09.11.2025, during pendency of Crl.M.P. No.382/2025, though the same was withdrawn on 11.11.2025. The above facts would show that, simultaneously applications for bail being filed before the Special Court and this Court in an experimental manner. This attitude is not permissible and the same is to be deprecated.

8. In this connection, it is relevant to note that, there is no whisper in this petition regarding filing of Crl.M.P. No.382/2025 before the Special Court and nothing stated as to filing of any other bail application before the Special Court. This bail application seen filed after suppressing the filing of Crl.M.P. No.382/2025 (bail petition) before the Special Court, that may disentitle any relief in this petition. Having noticed the above facts, in order to overcome this strategy, the Registry of this Court is directed to verify all bail applications filed before this Court to ensure that there will be an undertaking in all the bail applications filed, stating that “no other bail application/applications filed or pending in any other Courts in the District Judiciary as on the date of filing of the bail application before this Court”.

9. That apart, in case of doubt, the Registry shall



contact the Sessions Court or Special Court concerned as to filing or pending of any such application by the petitioner/petitioners to ensure that while filing bail application before this Court, no other application to be pending before any other competent Courts in the District Judiciary. This direction shall be complied hereafter, without fail.

10. Even though the method opted by the petitioner in filing bail applications simultaneously before the Special Court and this Court may disentitle him the relief, in consideration of his custody from 16.10.2025, I am of the view that, further custody of the petitioner, for the purpose of investigation is not necessary and he can be enlarged on bail, in the interest of justice.

Therefore, this petition stands allowed. The petitioner is enlarged on bail on conditions:

- i. The petitioner shall be released on bail on executing bond for Rs.50,000/- (Rupees Fifty Thousand Only) with two solvent sureties, each for the like amount to the satisfaction of the Jurisdictional court concerned.
- ii. The petitioner shall not intimidate the



witnesses or tamper with evidence. He shall co-operate with the investigation and shall be available for trial.

iii. The petitioner shall not enter the limit of Cochin Corporation till the investigation is completed.

iv. The petitioner shall appear before the Investigating Officer as and when directed, apart from appearing before the Investigating Officer on all Mondays between 9 am and 10 am, for a period of three months or till the completion of investigation, whichever is earlier.

v. The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of this case, so as to dissuade him from disclosing such facts to the court or to any police officer.

vi. The petitioner shall not involve in any other offence during the currency of bail and any such event, if reported or came to the notice of this court, the same alone shall be a reason to cancel the bail hereby granted.

vii. The petitioner shall not leave the jurisdiction



of the Jurisdictional Court without prior permission of the Jurisdictional Court.

viii. Violation of any of the conditions imposed shall result in cancellation of bail hereby granted.

**Sd/-
A. BADHARUDEEN
JUDGE**

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APPENDIX OF BAIL APPL. 13644/2025

PETITIONER ANNEXURES

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| Annexure A1 | TRUE COPY OF THE REMAND REPORT DATED 17-10-2025 IN CRIME .NO V.C 20/2025/EKM FILED BEFORE THE COURT OF THE ENQUIRY COMMISSIONER AND SPECIAL JUDGE AT, MUVATTUPUZHA |
| Annexure A2 | TRUE COPY OF THE ORDER DATED 29-10-2025 IN CRL.M.P 378/2025 BEFORE THE COURT OF THE ENQUIRY COMMISSIONER AND SPECIAL JUDGE (VIGILANCE) AT, MUVATTUPUZHA(I/C) |