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16/10/2025.

**WE THE UNDERSIGNED PERSONS SUBMIT THIS
RESOLUTION TO BE PLACED BEFORE AN URGENT
GENERAL BODY**

To,

The Secretary,
Kerala High Court Advocates Association

It is with utmost despair and anguish that I am constrained to move this resolution to be placed before the General a Body. The Hon'ble Apex court vide order dated 8.9.25 issued notice to the Honourable High Court of Kerala to ^{explain} why application for anticipatory bail are being entertained directly by the High Court under section 482 of the BNSS even when the accused has not approached the Concerned sessions court. Apex court was also pleased to appoint an amicus curiae to assist the court to consider the issue whether an application for bail particularly, application for anticipatory bail can be entertained by the High Court without first approaching the concerned sessions court. This issue is no longer resintegra. The same has been decided in a plethora of cases by the Honourable Apex court and particularly by our own High Court in Balan .v. state of Kerala 2003 KHC 1141 . The position remains unchanged from what has been established by numerous decisions of the apex court and our own High Court. It has been held that Section 438 of the Criminal Procedure Code which is akin is Section 482 of BNSS 2023 confers the power on both the High

Received
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M.R. Nandakumar
Secretary

Court and the Sessions Court to consider applications for pre-arrest bail, and it is not necessary for the accused to first approach the Sessions Court before seeking relief from the High Court.

The legislature has provided concurrent powers to the High Court and the Sessions Court under Sections 438 and 439 of the Criminal Procedure Code, 1973. Even when the new Act was enacted, the legislature did not see it fit to alter this existing framework. The attempt now made by the Honorable Supreme Court appears to be an act of judicial overreach, interfering with the powers granted to the High Court by the legislature and thereby threatening the fundamental rights of citizens across the state and the nation as a whole.

It is understood that a note has been submitted before the Apex Court by the advocate on record who is appearing for the High Court of Kerala in the above case. The basis of the above notes is in answer to the query made by the Supreme Court regarding the statistics about Anticipatory Bail Applications before the Hon'ble High Court of Kerala. In the background of the above notes, lawyer fraternity has a duty to impress the Supreme Court regarding the actual state of affairs.

Furthermore, I request the Executive Committee and the General Body to ensure that the Kerala High Court Advocates Association is impleaded in these proceedings and our association is represented by a competent senior counsel so that we can adequately and appropriately apprise the Supreme Court of the applicable law.

Yours faithfully,

1. Adv.M.P. Madhavankutty
(Membership No. LD-1743)
2. Adv. Rajeev S
3. Adv. Renjith B Marar
4. Adv. George Sebastian
5. Dinesh Shankar
6. M. Abdul Raheem
7. Gokuldas V.V.H.

S. K. R. PAUL

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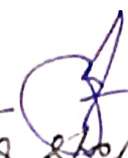
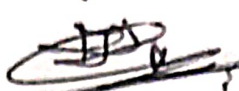
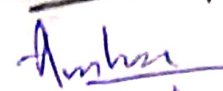
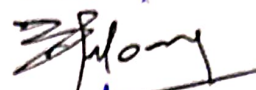
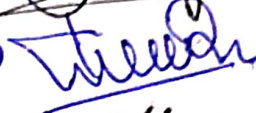
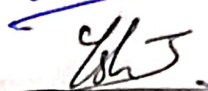
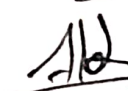
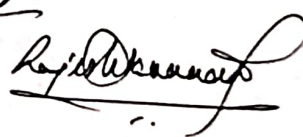
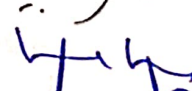
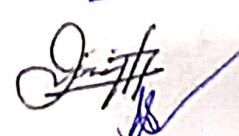
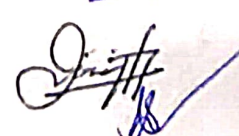
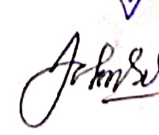
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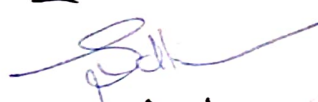
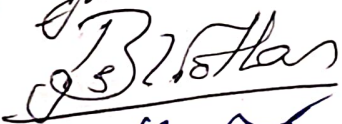
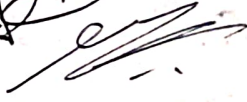
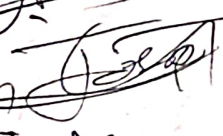
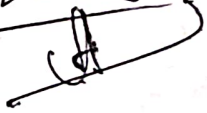
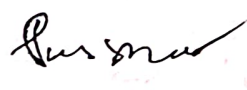
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92. Jaju Bhatu 
93. Joseph Subashan 
94. John Vargha 
95. Chandra shekar 
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99. Harish Abraham 
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109. Mannu kumar

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111. K. P. Sathesan

112. P. K. Balakrishnan

113. Vishnu J.

114. Rafani. K. N

115. Sindhu. K. S

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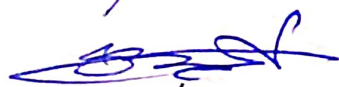
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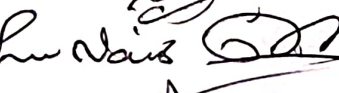


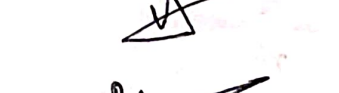




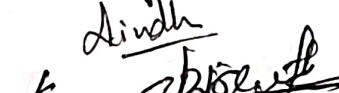






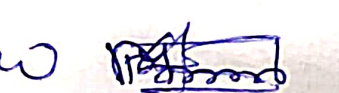


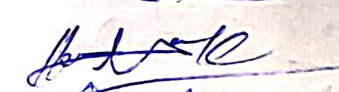














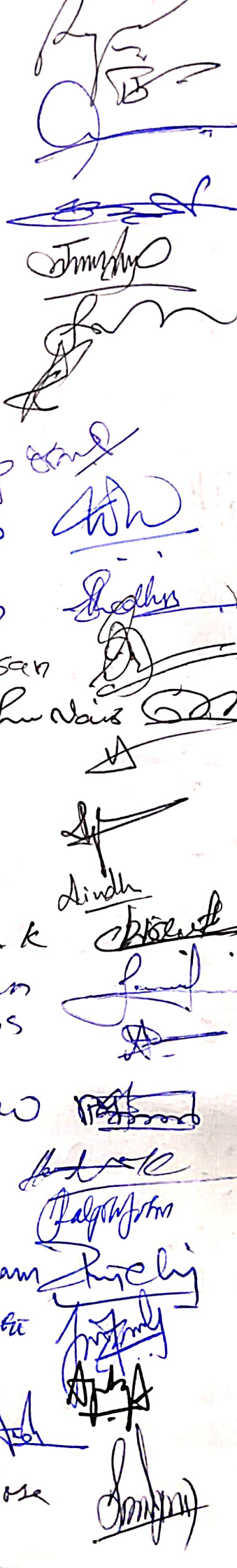


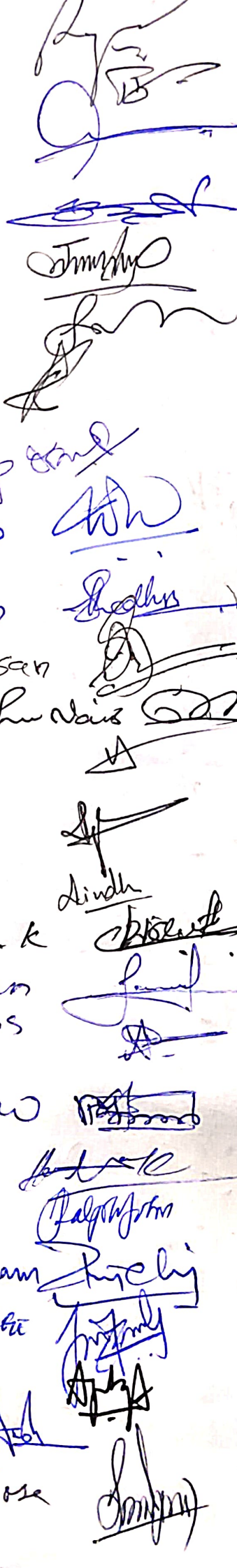


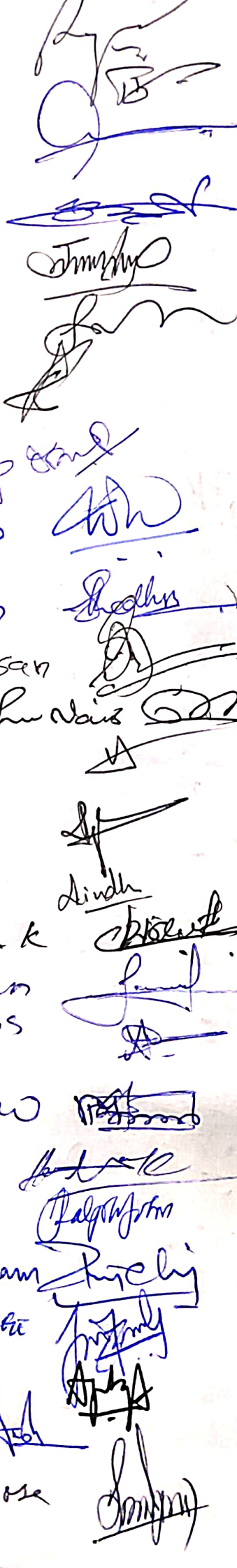












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- 129 Rajaraj G K/3520/99 Rajaraj
- 130 Jay T.S K/1108/09 Jay
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- 132 AMAR KASHA K/80/2015 Amara
- 133 Balram S. T K/1658/2018 Balram
134. Gairthwile D. N. K/1502/18 Gairthwile
- 135 Zubair P. K/1214/95 Zubair
- 136 P. R. Ajith Kumar K/70/1998 Ajith
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- 141 Arjun. S. Arjun
- 142 Akzar Akzar
143. AKHIL VIDAS Akhil
- 144 Ranju Nandan G Ranju
- 145 Sabu S Sabu
- 146 Anupama. S Anupama (K/666/2014)
- 147 Adarsh Sivadasan Adarsh
148. K. R. Ganesh K. R. Ganesh
149. Adv. V. N. Sridharan Adv. V. N. Sridharan

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151	Adv. Achutha Rajeev	AK
152	Adv. Mohammed Iqbal	Sam
153	Blaze K Jon	153
154	Pranod Jon	Pranod
155	Vinod Vallikappen	Vinod Vallikappen
156	Hood T. B.	Hood
157	Mahesh	M
158	B. Vinod	B. Vinod
159	R. M. Gula Raveen	R. M. Gula Raveen
160	Amal Thangam	Amal
161	Samsudin P	Samsudin
162	P. C. Thomas	P. C. Thomas
163	Rajo Joseph	Rajo
164	Anas Shommad	Anas Shommad
165	Varghese Prem	Varghese Prem