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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

WEDNESDAY, THE 3<sup>RD</sup> DAY OF JUNE 2026/13TH JYAISHTA, 1948

BAIL APPL. NO. 1644 OF 2026

CRIME NO.112/2026 OF MAHESHWAR POLICE STATION, KHARGONE  
DISTRICT, MADHYA PRADESH

PETITIONERS/PERSONS APPEARED APPREHENDING ARREST:

1 MOH FARMAAN,  
AGED 26 YEARS  
S/O.JAFAR ALI, BHAGPAT,  
PALRA, UTTAR PRADESH,  
PRESENTLY RESIDING AT KANNAN'S RESIDENCY, KVMS JG,  
PONKUNNAM, KOTTAYAM DISTRICT, PIN - 686506

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BY ADVS. SHRI.M.SASINDRAN  
SHRI.SATHEESHAN ALAKKADAN  
SHRI.MRINAL CHAND M.

RESPONDENT/S:

1 STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM. (CRIME NUMBER NOT  
KNOWN), PIN - 682031

2 THE DIRECTOR GENERAL OF POLICE,  
OFFICE OF THE DIRECTOR GENERAL OF POLICE,  
STATE POLICE HEADQUARTERS, VELLAYAMBALAM,  
THIRUVANANTHAPURAM, KERALA, PIN - 695010

3 THE DIRECTOR GENERAL OF POLICE.  
MADHYAPRADESH, POLICE HEADQUARTERS,  
JEHANGIRABAD, BHOPAL, MADHYA PRADESH., PIN - 462008



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BY ADV SRI.SAJITH KUMAR V.

OTHER PRESENT:

SRI.S.V. RAJU, ASGI

SRI.M.C. ASHI, SR. PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
02.06.2026, THE COURT ON 03.06.2026 DELIVERED THE FOLLOWING:



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**ORDER**

This is an application filed under Section 482 of the BNS seeking transit anticipatory bail.

2. The applicants are natives of Madhya Pradesh. They are film actors. According to them, they fell in love, got married, and their marriage was registered under the Kerala Registration of Marriage (Common) Rules, 2008, on 11/3/2026. It is alleged that although the father of the applicant No.2 initially agreed to the marriage, under pressure from his relatives, he later changed his mind and filed a false complaint with the Madhya Pradesh police. Based on that complaint, the Madhya Pradesh police registered a case against them, alleging that the applicant No.1 kidnapped the applicant No.2.

3. The copy of the FIR furnished to me by the respondent No.1 would show that a crime was registered by the Maheshwar Police Station, Khargone, Madhya Pradesh as Crime No.112/2026 against the applicant No.1 alone, alleging offence under Section 137(2) of the BNS. The learned ASGI appearing for the respondent also submitted that the crime was registered only against the applicant No.1 and in fact the applicant No.2 is a victim and not an accused. The said submission is recorded.

4. Though in the FIR, the offence under Section 137(2) of the



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BNS alone is shown, in the counter affidavit filed by the investigating officer against CrI.M.A.No.5/2026 filed by the applicants, it is stated that the offences under Sections 81, 83 and, 87 of the BNS, Section 9 of the Prohibition of Child Marriage Act, 2006 and Sections 3(2)(v) and 3(2)(va) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989 have also been invoked against the applicant No.1.

5. The applicants submit that if they go to Madhya Pradesh, they would be subjected to honour killing by the fundamentalists since they belong to different religions. It is further submitted that they are not in a position to travel and approach a counsel to move a bail application in Madhya Pradesh without a protection order from this Court against their arrest. It is in these circumstances that they seek transit anticipatory bail.

6. Heard Sri.M.Sasindaran, the learned counsel for the applicants and Sri.S.V.Raju, the learned ASGI.

7. The Supreme Court in *Priya Indoria v. State of Karnataka* [(2024) 4 SCC 749] held that though this Court cannot grant pre-arrest bail in cases where crimes have been registered outside the territorial jurisdiction, this Court is empowered to pass an order of transit bail.

8. The records available before this Court would show that a crime was registered pursuant to a complaint filed by the



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father of the applicant No.2. The main allegation is that the applicant No.2 is a minor and that the applicant No.1 kidnapped her from Madhya Pradesh and brought her to Kerala. However, the copy of the birth certificate of the applicant No.2 produced by the applicants would *prima facie* show that her date of birth is 1/1/2008 and she is a major. The learned ASGI submitted that, in fact, she is a minor and the birth certificate produced is a forged one. It is a matter to be investigated. In addition to the birth certificate, the Election ID card and bank passbook of the applicant No.2 produced by the applicants would show that the applicant No.2 is a major and her date of birth is 1/1/2008. Thus, the documents produced by the applicants *prima facie* show that the applicant No.2 is a major. The applicant No.2 also asserts that she is a major. The applicant No.2 has sworn in an affidavit stating that she has contracted marriage with the applicant No.1. The certificate of marriage issued by the Local Registrar of Marriages (Common), Poovar Grama Panchayat, showing that their marriage has been registered at the local authority, has also been produced. According to the applicants, their marriage took place in a temple. The learned ASGI submitted that the applicant No.1 is a Muslim and the applicant No.2 is a Hindu, and as such, the marriage solemnised in a temple is not a valid marriage and consequently, the Local Registrar of Marriages has no authority to issue such a certificate of marriage. At any rate, the



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applicant No.2 admits that she voluntarily resides with the applicant No.1 as husband and wife. The documents produced along with the bail application would also substantiate that the apprehension of the applicant No.1 of an inter-state arrest is well-founded. The grounds raised by the applicant No.1 for an order of transit bail appears to be reasonable to avoid a minimum threat to his life and personal liberty in the jurisdiction where the FIR is registered.

9. The applicant No.1 has satisfied this Court regarding his inability to seek anticipatory bail from the court which has territorial jurisdiction to take cognizance of the offence immediately.

This bail application is therefore disposed of with liberty to the applicant No.1 to approach the jurisdictional Court and seek for anticipatory bail in accordance with law, within a period of one month from today. The applicant No.1 shall not be arrested till the expiry of the said one month.

sd/-

**DR. KAUSER EDAPPAGATH****JUDGE**

Rp



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APPENDIX OF BAIL APPL. NO. 1644 OF 2026

**PETITIONER ANNEXURES**

- Annexure AI** A TRUE COPY OF THE BIRTH CERTIFICATE OF THE 2ND PETITIONER ISSUED BY THE REGISTRAR OF BIRTH AND DEATH, MAHESWAR NAGARA PANCHAYAT
- Annexure AII** A TRUE COPY OF THE AADHAR CARD NO. 469623249917 ISSUED ON 20-05-2015 OF THE 2ND PETITIONER
- Annexure AIII** A TRUE COPY OF THE MARRIAGE CERTIFICATE ISSUED BY THE LOCAL REGISTRAR OF MARRIAGES (COMMON) POOVAR PANCHAYATH DATED 11-03-2026
- Annexure AIV** A TRUE COPY OF THE FACEBOOK POST, APPEARED IN 'HINDUISM MALAYALAM' ACCOUNT
- Annexure AV** A TRUE COPY OF THE COMPLAINT DATED 17.03.2026, FILED BY THE FATHER OF THE 2ND PETITIONER BEFORE THE POLICE
- Annexure AV(a)** A TRUE MALAYALAM TRANSLATION OF THE ANNEXURE AV
- Annexure AVI** A TRUE COPY OF THE SCREENSHOT FROM THE WEBSITE OF THE MADHYA PRADESH GOVERNMENT, IN THE SITE REGARDING BIRTH & DEATH REGISTRATION, SHOWING THE ANNEXURE A1 CANCELLED
- Annexure AVII** A TRUE COPY OF THE PREVIOUS AADHAR CARD OF THE 2ND PETITIONER
- Annexure AVIII** A TRUE COPY OF THE OPENING PAGE OF THE PASSBOOK OF THE 2ND PETITIONER ISSUED BY THE STATE BANK OF INDIA
- Annexure AIX** A TRUE COPY OF THE ELECTION ID CARD OF THE 2ND PETITIONER
- Annexure AX** THE PHOTOGRAPHS SHOWING THE AGITATION AND BURNING OF THE PHOTOGRAPHS OF THE PETITIONERS.

**RESPONDENT ANNEXURES**

- Annexure R3(a)** A true copy of the WP(C) 18924 of 2026 filed by the Petitioners before the Hon'ble High Court of Madhya Pradesh at Indore