

IN THE COURT OF SESSION, THALASSERY

Present: Sri. Vimal.J, Additional Sessions Judge-IV
(Sessions Judge in-charge)

Friday, the 24th day of April, 2026/ 04th Vaisakha, 1948.

BA No.463/2026

(Crime No.1067/2023 of Valapattanam Police Station)

Petitioner/Accused :-

Sahir.M.P, S/o. Sainudheen, Aged 26 years,
Mathottam Puthiyapurayil House, Keezhatoor,
Taliparamba.P.O., Taliparamba Taluk, Kannur Dist.

Respondent/Complainant:-

State: The SHO, Valapattanam Police Station.
Rep. by Public Prosecutor, Thalassery.

Petition under Section 483 of BNSS 2023 for bail.

This petition coming on the 23rd day of April, 2026 for final hearing before me in the presence of Sri. Manoj Kumar.K.V, Advocate for the petitioner; Sri.K.Ajith Kumar, Public Prosecutor for the State/respondent; and having stood over for consideration till this day, the Court passed the following:-

O R D E R

This is an application for bail filed under Section 483 of BNSS.

2. The petitioner is the accused in Crime No.1067/2023 of Valapattanam Police Station (CP.No.35/2024 of JFCM-II, Kannur) alleging commission of offences punishable u/ss.417, 376(2)(n) IPC.

3. The prosecution case in brief is as follows:. In

Between 03.02.2021 and August 2023, the accused promised the de facto complainant to marry her. Based upon the said promise, the de facto complainant had sexual intercourse with the accused. Thereafter, the family members of the de facto complainant and the accused decided to conduct their marriage and an engagement between the de facto complainant and the accused was also conducted. Subsequently, the accused and the de facto complainant

went to different places at Bangalore, Cheruvathoor and the accused committed rape on the de facto complainant. It is also alleged that the accused had recorded the nude videos of the de facto complainant in his phone. Subsequently, the accused breached the promise to marry the de facto complainant. Thus, the accused is alleged to have committed the above offences.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. The learned counsel for the petitioner would argue that he is innocent of all allegations and has been falsely implicated in the above case. It is contended that the accused and de facto complainant were in a relationship and their marriage was also agreed between the families. However, subsequently, the de facto complainant herself refused to marry the petitioner. When the petitioner demanded back the gold ornaments, this false complaint was filed.

6. I have perused the case diary as well as the statement of the de facto complainant. The statement of the de facto complainant reveals that the de facto complainant and the accused were in love. Even in the complaint, it is stated that from February 2021 to August 2023, the accused and the de facto complainant were in a relationship. The de facto complainant herself admitted that she first met the accused when she was studying in 11th standard. The accused was studying in 12th standard at that time. The statement of the complainant further reveals that they had physical relationship on many occasions. The grievance of the de facto complainant is that thereafter, the accused refused to marry her. The Hon'ble Supreme Court in in **Ansaar Mohammed V. State of Rajasthan 2022 (4) KHC 713**, specifically held that *"in view of the fact, the complainant has willingly been staying with the appellant and had relationship. Therefore now if the relationship is not working out, the same cannot*

be a ground for lodging an FIR for offence u/s 376(2)(n) IPC.” Hence considering the fact that this is a case of consensual relationship and that the custodial interrogation of the petitioner is completed, I am inclined to allow this bail application. Further, with regard to the alleged recording of the nude videos, the de facto complainant herself admitted that she had voluntarily recorded her nude videos during the video call. The accused is already in custody from 04.04.2026 onwards. Further judicial custody is not required. Hence, this bail application can be allowed.

In the result, the bail application is allowed with the following conditions.

- (i) The petitioner is ordered to be released on bail on his executing bond for Rs.50,000/- with two solvent sureties each for the like amount to the satisfaction of the Jurisdictional Magistrate.
- (ii) The petitioner shall not intimidate or influence the witnesses or tamper evidence.
- (iii) The petitioner shall not involve in any other crime during the bail period.
- (iv) The petitioner shall co-operate with the investigation and appear before the Investigating Officer as and when required.

(Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open Court, this the 24th day of April, 2026).

Sd/-
SESSIONS JUDGE
(in-charge)

Copy to:-

1. The Judicial First Class Magistrate-II, Kannur.
2. The SHO, Valapattanam Police Station.
3. The Petitioner.