

IN THE COURT OF FAST TRACK SPECIAL JUDGE, DEVIKULAM

Present: Sri. JOHNSON M.I , SPECIAL JUDGE

Monday, the 16th day of February, 2026 / 27th day of Phalguna, 1947.

CRIMINAL M.P No. 2/2026

IN

SC No. 825/2025

(Crime No. 872/2025 of Rajakkadu Police Station)

Petitioner/:Accused

Kurien Devassia, S/o Devassia, aged 78/2025,
Onaattu House, Rajakumari kara, Rajakumari
Village.

By Adv. Andrews Mathew

Respondent:

State of Kerala represented by the Inspector of
Police, Rajakkadu Police Station.

By Investigating Officer-SHO Rajakkadu Police Station

This petition coming on hearing on 16/02/2026 before me in the presence of the above counsel for the petitioner/accused and the investigating officer and the court on the same day passed the following :-

ORDER

This is an application filed by the sole accused in this case for bail.

1. This is a case registered against the petitioner/accused for the offences punishable under sections 75 (1)(i) of BNS and Sec 7 r/w 8 and 9 (l) (m) r/w 10 of POCSO Act.

2. The prosecution case is that, the accused committed physical contact and unwelcoming explicit overtures on the victim minor girl aged 8 years and thereby committed the alleged offences.

3. The petitioner/accused was arrested and produced before JFCM Court, Devikulam on 05/11/2025 and he has been undergoing judicial custody from that day onwards.

4. In this petition the accused has stated that he is the only bread earner of his family as he is only casual labourer. According to the accused he is in judicial custody for a long time and is unable to arrange for his defence in jail. If he may be released on bail, he will not create any obstacle and he is ready to obey any stringent conditions.

5. Copy of the above application was served to the Investigating Officer SHO Rajakkadu, since there is no Special Public Prosecutor in this Court and he filed report opposing the bail application.

6. Notice was issued to the victim. Victim and mother of the victim appeared before the Court through online and seriously opposed the bail application.

7. Heard the learned counsel for the petitioner/accused, victim and the Investigating Officer and perused the available materials including the reports obtained from the investigating officer.

8. The Investigating Officer stated that, if the accused is released on bail, there is every chance for absconding the accused. It is further submitted that the offences alleged against the accused is very serious in nature and the possibility of accused influencing or intimidating the witnesses including the victim was also highlighted. It is contended that the enormity of allegation should be given due weightage while considering bail application since the release of accused at this stage shall give wrong message to the society. With the said contentions, the investigating officer prayed for dismissal of the petition.

9. The learned counsel for the accused stated that the accused is innocent and has not committed any offences as alleged. He submits that the accused is the only bread earner of his family and only a casual labourer. There is no other source of income for his livelihood other than his wages. Further submission of the counsel for the accused is that the accused is in custody for more than 90 days. On the basis of the same, counsel for the accused prayed for granting bail to the accused.

10. In considering the materials before this Court, I am of the view that the materials collected by the prosecution do not justify the plea of innocence put forth by the accused. The offences alleged against the accused are serious in nature. At the same time, accused is in custody from 05/11/2025 onwards. At present there is no Special Public Prosecutor appointed in this Court and it is not clear on which date new Prosecutor will be appointed. In considering all these facts, it can be seen that the trial of this case cannot be started in the immediate future. In considering the fact that the petitioner is in custody from 05/11/2025 onwards and there is no possibility of starting trial of the case in the immediate future, I am of the view that bail can be granted to the accused after imposing stringent conditions.

In the result, the petition is allowed. Bail is granted to the accused on the following conditions.

- 1) The accused shall be released on bail on executing a bond of ₹. 1,00,000/- (Rs. One lakh only) with two solvent sureties each for the like sum.
- 2) The accused shall not enter into the Panchayath in which the victim girl is residing.
- 3) The accused shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
- 4) The accused shall not intimidate or try to induce the witnesses in this case.
- 5) If any of the conditions is violated by the accused, bail will be cancelled.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 16th day of February, 2026.

**JOHNSON M.I
SPECIAL JUDGE.**

APPENDIX - NIL

**JOHNSON M.I
SPECIAL JUDGE.**