

IN THE SPECIAL COURT FOR ATROCITIES AGAINST WOMEN AND
CHILDREN (ADDL. SESSIONS COURT -I), KASARAGOD.IN

Present:-Kum.Rajitha.T.H., Special Judge (Addl. Sessions Judge -I)
Wednesday, the 13th day of May 2026

CRIMINAL M.P. No.1 OF 2026 in SC 335/2024
(Cr.No. 395/2018 of Nileshwaram Police Station)

Between:-

Rajesh.M, aged 52 years,
S/o.Maniswami, R/at Chayom,
Chakliya Colony, Kinanoor
Kasaragod

} Petitioner/
Accused

AND

State:- The Station House Officer,
Nileshwaram Police Station

Rep.By Special Public Prosecutor-I, Kasaragod

} Respondent/
Complainant

This bail application is filed by the accused in the above crime, under
Section 483 of BNSS.

Petition presented on : 11.05.2026

This petition coming on 12th day of May 2026 for final hearing
before me in the presence of Sri.P.Raghavan, Chief Legal Aid Defence
Counsel, Advocate for the petitioner; and Special Public Prosecutor-I, for
the respondent (State), and the Court passed the following:-

O R D E R

This bail application is filed by the accused in the above case, under Section
483 of BNSS.

2. The accused is alleged to have committed the offence punishable
u/s.498A, 324 of IPC, and section 75 of JJ Act.

3. The case of the prosecution is that, the accused married the defacto
complainant on 08.03.2007 and while living together as husband and wife, the
accused constantly tortured the complainant alleging that she is not pretty, and also

tortured and assaulted their daughter by beating with a stick. Thereby he has committed the offence as stated above.

4. The petitioner's counsel submitted that the petitioner was arrested and produced before this court on 02.05.2026 and was remanded to judicial custody. The accused is innocent and not committed any offence as alleged and has been falsely implicated in the case. He is ready to abide by any conditions imposed by the court. So he filed this petition requesting to release him on bail.

5. Notice of bail application was given to the learned Public Prosecutor, who filed a report and opposed the petitioner's claim.

6. The investigating officer requested to dismiss the petition for several reasons, stating that there is every chance of absconding of the accused from the place and will not attend the court during trial. Previously he had not attended the court during trial and NBW was issued against him. So, the application deserves to be dismissed.

7. Heard the learned counsel appearing for the petitioner and Public Prosecutor. This court has perused the records. The following points arise for consideration:

- (1) Whether the petition is allowable?
- (2) What is the order?

8. **Point Nos.1 & 2:-** The offence alleged against the petitioner/accused is that he has committed offence punishable u/s.498A, 324 of IPC, and section 75 of JJ Act. This court had granted bail to the accused on 21.05.2025. Thereafter the accused failed to appear before court, and NBW was issued against him, consequent to which he was arrested and produced before this court on 02.05.2026. In the meanwhile, a report has received from the Superintendent of Central Prison and Correctional Home, Kannur, stating that the above accused is admitted in Jail Hospital, Kannur, as a TB patient, and hence not able to produce before court.

This court considered the contentions addressed by the petitioner and the Public Prosecutor. The counsel for the petitioner contended that the petitioner is innocent and a false case was charged against him. However, there are no materials to prove his contentions at this stage. The final report filed in this case reveals a prima facie case against the petitioner.

9. However, it is a fact that the petitioner is a TB patient and undergoing custody since 02.05.2026. There is nothing in the objection filed by the respondent that the petitioner is involved in any other case. The apprehension the investigating officer expresses can be remedied by putting strict conditions. Further detention of accused in custody amounts to pre-trial punishment. Considering the nature of allegations and punishment prescribed for the offences, custody duration, final report filing and his health condition, this court finds that the petitioner can be released on bail under strict conditions. The point is answered against the prosecution for the reasons stated above.

10. **Point No.2:-** Given the findings on point No.1, this court believes that the petitioner/accused is entitled to bail at this stage, subject to the conditions stated below. The point is answered accordingly.

1. The petitioner/accused shall be released on executing bond for ₹1,00,000/- (Rupees One Lakh only), with two solvent sureties for the like sum each.
2. The petitioner/accused shall surrender his Passport before court within five days of release, or file affidavit, if he has no Passport.
3. The petitioner/accused shall not tamper with evidence or influence or intimidate the complainant or any other witnesses.
4. The petitioner/accused shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the court or to any police officer.

5. The petitioner/accused shall not contact or attempt to contact the complainant in any manner.
6. The petitioner/accused shall not involve in any similar offence while on bail.
7. The petitioner/accused shall not leave the State of Kerala without prior permission of the court. The petitioner/accused shall co-operate with the investigation of the case.
8. Violation of any of the aforesaid conditions would result in cancellation of the bail suo-motu or on application by the Respondent.
9. The office shall communicate the order to the officer in charge of jail forthwith by e-mail, and the officer in charge of the jail shall inform the order to the accused concerned.

Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in the open court on this the 13th day of May, 2026.

Sd/-
ADDITIONAL SESSIONS JUDGE-I
KASARAGOD

jmr/

//True copy//

Fair Order in CMP.No.01/2026
in Cr.No.395/2018 in SC 335/24
of Nileschwaram Police Station
Dated: 13.05.2026

Fair/Copy of Order in CMP.No.03/2026
in SC.No.59/2026
in Crime No.460/2025
of Melparamba Police Station
Dated: 04.03.2026

Fair/Copy of Order in Crl.M.P.
No.01/2026
in Cr.No.108/2025
of Kasaragod Vanitha Police Station
Dated: 04.02.2026

