

**IN THE COURT OF SPL. JUDGE FOR THE TRIAL OF
OFFENCES AGAINST WOMEN AND CHILDREN, THALASSERY**

Present: Sri. Philip Thomas, Addl. Sessions Judge-I.
Monday the 18th day of August, 2025/27th Shravana, 1947.

CrI.M.P.No.4887/2025 IN SC.No.413/2025

(Crime No.319/2025 of Chokli Police Station)

Petitioner/Accused:-

Mahesh Hasda, S/o.Lakiram Hasda, aged 36 years, Japa, Japa-2, Nepal.

Vs.

Respondent/Complainant:-

State: SHO, Chokli Police Station,
Rep. by Addl. Public Prosecutor, Thalassery.

This is an application filed u/s. 483 of B.N.S.S for bail.

This petition coming on the 16th day of August, 2025 for hearing before me in the presence of Sri.Sugesh Thikkal, Advocate for the petitioner and the Addl. Public Prosecutor for the State and having stood over for consideration till this day, the Court passed the following:-

ORDER

This is an application filed u/s.483 of the Bharatiya Nagarik Suraksha Sanhitha, 2023.

2. The petitioner stands charge sheeted for the offence u/ss.74 and 75(1) of BNS.

3. The prosecution allegation is that on 30.04.2025 at 6.00 pm while CW1 was removing cow dung at her cowshed in her house at Kariyad, Pallikuni in Peringathur amsom, the accused who is her employee, came from behind and forcefully covered her mouth and nose with hands, with sexual intent, and outraged her modesty. Hence, the accused committed the aforesaid offences.

4. The petitioner was arrested on 17.05.2025 and since then he is in judicial custody.

5. The Public Prosecutor filed a report and vehemently objected to the bail application.

6. Heard both sides.

7. The counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him. The petitioner has been under judicial custody for the past 89 days. The petitioner has no criminal antecedents. The petitioner is a migrant worker from Nepal. It is also stated that the petitioner was ready to abide by any condition imposed by this Court. Hence, it is prayed that the petitioner may be enlarged on bail.

8. On the other hand, the learned Additional Public Prosecutor submitted that, after the registration of the case, the petitioner had absconded and was subsequently taken into custody on 16.05.2025 from Mulligoor in Ooty. He further submitted that since the petitioner is a migrant labourer from Nepal, there is every chance for the petitioner to abscond from the locality if he is released on bail. The investigation of the case is over and a charge sheet has been filed before the Court. Hence, the Prosecutor pleaded to dismiss the petition.

9. The investigation of the case is over and the case is taken on file as SC No.413/2025. The FIR was registered on 02.05.2025, on the basis of the statement given by the de facto complainant. The Addl. Public Prosecutor stated that the petitioner is a migrant labourer. He further submitted that after the commission of the crime, the petitioner absconded from the locality and on 16.05.2025 he was taken into custody from Mulligoor in Ooty. The prosecution apprehends that if the petitioner is released on bail he is likely to commit similar offences and also abscond from the locality. I find merit in the apprehension expressed by him. As pointed out by the Addl. Public

Prosecutor that if the petitioner is granted bail and released, the possibility of absconding by the petitioner cannot be ruled out. Considering all these aspects, I am not inclined to grant bail to the petitioner/accused. Hence, the bail application is dismissed.

In the result, the petition stands dismissed.

(Dictated to my Confidential Assistant, typed by her, corrected and pronounced by me in open Court, on this the 18th day of August, 2025).

Sd/
SPECIAL JUDGE/
ADDITIONAL SESSIONS JUDGE-I.

Copy to:-
The Petitioner.