

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

Present: Sri. Philip Thomas, Addl. Sessions Judge-I.

Tuesday the 25th day of February, 2025/ 06th Phalguna, 1946.

CrI.M.P.No.806/2025 IN SC.No.764/2024

(Crime No.672/2024 of Payyannur Police Station)

Petitioner/Accused:-

Rajesh.P.R., aged 37 years, S/o.Raghu, Koliyatt House,
Malome amsom, Vallikadavu, Konakkad at
Vellarikkundu of Hosdurg Taluk, Kasaragod District.

Vs.

Respondent/Complainant:-

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

This is an application filed u/s. 483 of B.N.S.S 2023 for bail.

This petition coming on the 21st day of February, 2025 for hearing before me in the presence of Sri.Nived.K.V., 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 BNSS by the petitioner.

2. The petitioner stands charge sheeted for the offence punishable u/ss.109(1), 118(2), 127(2), 326(g) and 238 of BNS and u/s.75 of the Juvenile Justice (Care and Protection of Children) Act.

3. The prosecution case is that on 23.07.2025 at 1.30 pm, the petitioner with the intention to commit murder of CW1, his wife due to the enmity towards her, as she filed a complaint against him against his mental and physical torturing, forcefully taken her into the room of their uncompleted house and voluntarily caused grievous hurt to her by chopping with a chopper and caused grievous hurt to CW2, his minor son by chopping his neck and

also destroyed the evidence by burning the clothes. Hence, the accused committed the aforesaid offences.

4. The petitioner was arrested on 23.07.2024 and since then, he is in judicial custody.

5. The counsel for the petitioner contended that the petitioner was innocent of the offences alleged against him. The defacto complainant is working at Gulf for the last 2 years and the child was in the case and custody of the petitioner. About one week back she came from Gulf countries and demanded divorce and for which the petitioner was not ready to give divorce. Hence, she filed a petition on 18.07.2024 before the Payyannur Police alleging mental and physical harassment. The Payyannur Police registered a crime as Cr.No.656/2024 u/s.498A IPC against the petitioner and thereafter the defacto complainant is residing at her brother's house at Ezhimala. On 23.07.2024 at 1.30 pm the defacto complainant and his brother came to the house of the petitioner and attempted to take the children from the house and during the time the petitioner prevented the defacto complainant and his brother. The petitioner has not committed any offence as alleged. It is further stated that the petitioner has been in judicial custody for the past 6 months. The investigation of the case is completed. It is also stated that the petitioner is ready to abide by any condition imposed by this Court. Hence, it is prayed that he may be enlarged on bail.

6. On the other hand, the learned Addl. Public Prosecutor vehemently opposed the application and submitted that if the petitioner is released, there is every chance that his wife will be murdered by the petitioner. He also argued that if the petitioner is released on bail, there is every chance for the petitioner to commit similar offences and also to abscond from the locality. The petitioner who is a drug addict will not hesitate to do anything. It is further stated that the petitioner told his co-prisoner in the jail that he would

kill the defacto complainant. Hence, the Addl. Public Prosecutor pleaded to dismiss the petition.

7. Heard both sides.

8. The investigation of the case is over and the case is taken on file as SC No.764/2024. On going through the report filed by the Prosecution, it is seen that if bail is granted to the petitioner, there is every chance for attacking the defacto complainant and the life of the defacto complainant and her children become in peril. The report also stated that the petitioner who is using drugs is not hesitant to do anything. In that circumstance, if the petitioner is granted bail, he will again get involved in similar activities and there is every chance for the life of the defacto complainant in peril. In that circumstance, I am not inclined to grant bail to the petitioner. Hence, the bail application is dismissed.

In the result, the petition is dismissed.

(Dictated to my Confidential Assistant, typed by her, corrected and pronounced by me in open Court, on this the 25th day of February, 2025).

Sd/
SPECIAL JUDGE/
ADDL. SESSIONS JUDGE-I

Copy to:-

The Petitioner.

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