

IN THE COURT OF SESSIONS, THALASSERY
Present: Sri. Vimal. J., Additional Sessions Judge-IV
Thursday, the 01st day of January, 2026/11th Pausha, 1947

Crl. M.P.No.7553/2025 in SC No.1074/2016

Nasar, aged 45 years, S/o. Sapunhi, Luftha Manzil,] Petitioner
Devamoola. P.O, Thalappadi, Karnataka State.]/Accused
]

Vs

State: rep. By Add. Public Prosecutor, Thalassery] Respondent/Complainant

This application coming on the 26th December, 2025 day for final hearing before me in the presence of Smt. Reshma.C, Deputy chief legal aid defence counsel for petitioner/accused; St. Reshma.A, Addl. Public Prosecutor for respondent /complainant and having stood over for consideration till this day, the court passed the following:-

ORDER

The petitioner is accused no.2 in Crime No. 623/2000. The case is pending before this court as SC No. 79/2003. The petitioner is alleged to have committed offences under Sections 366, 342, 354, and 376(g) IPC.

2. The prosecution case is that on 18.09.2000 at approximately 05.30 p.m., the accused persons kidnapped CW1 and committed gang rape at the Municipal Park near Thalassery Court Complex.

3. The learned counsel for the petitioner submits that the charge sheet has been filed and further judicial custody is not necessary. The petitioner is illiterate and hails from Karnataka State. He resides in a rented house with his wife and two school-going children. He was unaware of the conduct of the case. The counsel argues that, considering the petitioner's socioeconomic status, the bail application may be allowed. The learned Public Prosecutor opposes the application, contending that the petitioner was previously absconding.

4. I have considered the rival contentions. The petitioner was absconding from 2017 onwards and LPC 26/2017 was pending. He was produced before this court on 01.12.2025 and has been in custody for one month. However, duration of custody alone is not the decisive factor in considering this bail application. In the instant case, all

accused persons A1, A2, A4, A5, A6, and A7 faced trial and were acquitted by the Sessions Court vide order dated 07.07.2007 in SC No. 79/2003. On perusal of the trial court judgment, it is evident that CW1, the victim of the alleged gang rape, was not examined since she was deceased. The trial court, after considering CW4's testimony, concluded that there was no evidence to prove the case of gang rape. Therefore, all accused persons were acquitted.

5. Considering that the victim is deceased and considering that all co-accused have been acquitted, I am of the view that this bail application can be allowed. Further, the petitioner has been in judicial custody since 01.12.2025. He has been in custody for more than one month.

6. Considering all the aforesaid facts, I am inclined to allow this bail application. Hence, this bail application is allowed subject to the following conditions:

1. *The petitioner shall execute a personal bond of Rs.50,000 with two solvent sureties each for the like amount to the satisfaction of the court below.*
2. *The petitioner shall not tamper with evidence or influence witnesses.*
3. *The petitioner shall not leave the jurisdiction of this court without prior permission.*
4. *The petitioner shall not commit any offence while on bail.*
5. *Violation of any of these conditions shall render the petitioner liable for cancellation of bail.*

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, on this the 1st day of January, 2026.)

sd/-

ADDITIONAL SESSIONS JUDGE-IV

Fair Order in
Crl.M.P No.7553/2025 in
SC No.1074/2016
Dated:01.01.2026.