

IN THE COURT OF ADDL. SESSIONS JUDGE-IV, KOTTAYAM

Present : Dr. Satheesh Kumar V., Addl. Sessions Judge-IV, Kottayam

Saturday the 16th day of March 2026

25th day of Phalguna 1947

Crl. M.P. No.1/2026 in S. C. No.86/2026

(Crime No.1496/2025 of Kanjirappally Police Station)

Petitioner :-

Blessan K Lalichan,
aged 32 years, S/o Lalichan Antony, Kollamkunnel House,
Mannarakkayam, Kariplavu Bhagam, Kanjirappally Village.

By Adv. Jolly James

Respondent :-

State of Kerala represented by SHO, Kanjirappally Police Station
represented by Public Prosecutor, Kottayam.

By Adv. P. Vinodji, Addl. Public Prosecutor

Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita.

The Crl.MP having been finally heard on 12.03.2026 and the court on 16.03.2026 passed the following.

ORDER

1. This is an application for regular bail filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), on behalf of the petitioner, who is the accused in Crime No. 1496/2025 of Kanjirappally Police Station.
2. The allegation against the petitioner is that on 30.11.2025, at approximately 10:45 AM, he entered the workplace of the de facto complainant (a widow) in Kanjirappally, with the intent to sexually assault her. It is further alleged that he used obscene language, stalked

her near her house, caught hold of her hand and committed an act of outraging her modesty, thereby committing offences punishable under Sections 74, 75(1)(ii)(iv), 78(1), and 296(b) of the Bharatiya Nyaya Sanhita (BNS).

3. The learned counsel for the petitioner argued that the petitioner is innocent and has been falsely implicated due to personal animosity. It is submitted that the investigation in the case is complete, and the police have already filed the charge sheet before the court on 02.02.2026. The petitioner has been in judicial custody since his arrest on 02.12.2025, and further incarceration is unnecessary as his custodial interrogation is no longer required.
4. The learned Public Prosecutor opposed the application, stating that the petitioner is a habitual offender involved in several other criminal cases and is likely to repeat such offences if released. There is a grave apprehension that the petitioner may influence or intimidate the witnesses.
5. I have considered the rival submissions and perused the records, including the police report and the bail application. The following principles and facts guide the court's decision:
 1. **Nature of Offences:** The offences alleged under Sections 74, 75, and 78 of the BNS carry maximum punishments of up to five years. Under the guidelines laid down by the Hon'ble Supreme Court in *Satender Kumar Antil v. CBI* (2022) 10 SCC 51, these fall under 'Category A' offences (punishable with 7 years or less). In such cases, if the accused has cooperated with the investigation and a charge sheet is filed, the court should lean toward granting bail.

2. **Status of Investigation:** It is admitted that the charge sheet was filed on 02.02.2026. As the investigation is complete, the requirement for custodial detention is significantly diminished.
3. **Right to Liberty:** The Hon'ble Supreme Court in a catena of decisions, reiterated that "bail is the rule and jail is the exception".
4. **Length of Incarceration:** The petitioner has been in custody for nearly four months. Considering that the charge sheet is already before the court, keeping him in custody indefinitely pending trial would amount to pre-trial punishment.
6. While the prosecution's concerns regarding the petitioner's criminal antecedents are noted, these can be mitigated by imposing stringent conditions rather than denying bail altogether.
7. In view of the completion of the investigation, the filing of the charge sheet, and the duration of the petitioner's incarceration, this court finds it a fit case to exercise its discretion in favour of the petitioner.
8. The application is allowed. The petitioner shall be released on bail on the following conditions:
 1. The petitioner shall execute a bond for Rs. 50,000/- (Rupees Fifty Thousand only) with two solvent sureties for the like sum to the satisfaction of this Court.
 2. The petitioner shall not enter the local limits of the ward where the de facto complainant resides or works, to ensure her safety and prevent witness intimidation.
 3. The petitioner shall not contact, influence, or threaten the de facto complainant or any witnesses in this case, directly or indirectly.
 4. The petitioner shall not involve himself in any other criminal activities while on bail.

5. Any violation of the above conditions shall entitle the prosecution to move for cancellation of bail.

(Dictated to and typed by the Dictation Software, corrected by me and pronounced in open court on this the 16th day of March, 2026)

Sd/-
Dr. Satheesh Kumar V
Addl. Sessions Judge-IV

Appendix : Nil

Id/-
Addl. Sessions Judge-IV

// True Copy //

Copied by :-
Compared by :-

Sd/-
Dr. Satheesh Kumar V
Addl. Sessions Judge-IV