

**In the Court of Session, Palakkad Division**  
**Present: Sri. R. Vinayaka Rao, Additional Sessions Judge-I**  
**(Special Judge)**

**Thursday, the 19<sup>th</sup> day of March, 2026/28<sup>th</sup> day of Phalguna, 1947 S.E.**

**Criminal Miscellaneous Petition No.03/2026**  
**in Crime No. 54/2026 of Kalladikkode Police Station**

**Petitioner/Accused :**

Muhammed Dilshad, aged 19 years, S/o. Moideenkutty, Thaikkadan House, Parambuli, Changaleeri P.O., Mannarkkad, Palakkad.

**Vs:**

**Respondent/Complainant :**

State of Kerala - Represented by the Station House Officer,  
Kalladikode Police Station.

This application came up on this day for orders. Upon perusing the application and after hearing Sri. T.M. Abdul Rasheed and Sri. Muhammed Noufal Kalathil, Advocates for the Petitioner and the Special Public Prosecutor on behalf of the State, this court passed the following:-

**ORDER**

This is a petition filed by the Counsel for the accused u/s.483 of Bharatiya Nagarik Suraksha Sanhita for grant of regular bail.

2. The Sub Inspector of police of Kalladikkode Police Station has filed report opposing the bail application. Heard the counsel for the petitioner and the learned Special Public Prosecutor.

3. Following point arises for consideration by this Court :

*Whether regular bail can be granted to the petitioner or not ?*

4. The Point :- The above case is registered by the Inspector of Police of Kalladikkode Police Station against the petitioner for offences u/s.332(c), 65(1), 75(1) & 78(1)(ii) of Bharatiya Nyaya Sanhita and Sec.4, 3(b), 8, 7, 12 & 11(iv) of

POCSO Act in Crime No.54/2026.

5. The case of the prosecution is as follows :- From December 2025 till 18.01.2026 the petitioner knowing that the survivor is a minor girl child aged 14 years, continuously followed her through Instagram and got sent her nude photos to him and on 26.12.2025 from the work-area of the house of survivor's grandmother at Elumbulaserry hugged her and kissed and on 18.01.2026 at 1:00 AM he committed house trespass into the bedroom of the house of the survivor and inserted his hands through the inner side of the dress worn by the survivor and caught hold on her breast and pressed and he inserted his fingers into the vagina of survivor and thus the accused has committed the above sexual offences.

6. The petitioner was arrested on 18.01.2026 and produced before the Judicial First Class Magistrate Court, Mannarkkad and he was remanded to Judicial custody, since then he is in judicial custody. The first bail application filed by the accused as CrI.M.P.01/2026 was dismissed by this court on 06.02.2026 and the second bail application filed by the accused as CrI.M.P.02/2026 was dismissed by this court on 28.02.2026.

7. Counsel for the petitioner contended that the petitioner is innocent and has not committed any offences as alleged and has no connection with alleged offences and the arrest of the accused is only due to mistaken identity and nothing was seized from the accused. It is submitted that the investigation of the above case is over, witnesses are already questioned and recovery is also effected and so further detention of the petitioner is not required and so the counsel for the petitioner prayed for bail.

8. On the other hand the Special Public Prosecutor opposed the bail application, contending that the investigation is in the primitive stage and in case bail is granted to the petitioner there is chance for the petitioner to meet the survivor while she is attending her school and it will result in mental agony to the survivor and will affect her studies and the accused who is financially sound will

influence and threaten witnesses including the survivor and her family and there is possibility for the petitioner to tamper with evidence and to abscond and grant of bail will sent a wrong message to the society and so the Special Public Prosecutor prayed to dismiss the bail application.

9. I have gone through the case diary in the above case. There are prima facie and serious allegations to attract the offences alleged against the petitioner. It is seen that the accused has committed even unnatural offences against the survivor. The survivor has narrated the case in her statement given before the police. It is seen that due to the insistence of the petitioner, she had sent her nude photographs to the petitioner. It is also stated that on one occasion the petitioner had come to the house of the grandmother of the survivor and at that time the petitioner hugged the survivor and kissed on her face. On another occasion also he had come to the house of the survivor and had done the sexual acts towards the survivor. He had even inserted his fingers into the vagina of the survivor. It is seen that the petitioner was caught red handed when he had come to the house of the survivor and thereafter the father of the survivor and survivor's father's friend came to the house and subsequently the complaint was filed. This is a case in which there are serious allegations of sexual assault by the petitioner towards the survivor who is a minor child. Even though the survivor and the petitioner were known to each other and the survivor had willingly engaged in sexual relationship with the petitioner, she being a minor the offences alleged are squarely attracted. On earlier two occasions, I had dismissed bail application filed by the petitioner for the reason stated in the order in the said bail application. At present it is seen that the major part of the investigation is over and further detention of the petitioner in jail is not necessary for the purpose of investigation. I find that subject to conditions to be imposed regular bail can be granted to the petitioner. This point is accordingly found in favour of the petitioner.

10. In the result, the above bail application is allowed and bail is granted to the petitioner subject to the following conditions :-

- (i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each.
- (ii) The petitioner shall appear before the Investigating Officer on all Saturdays between 10 a.m. and 11 a.m. for a period of two months or till the filing of final report whichever is earlier and thereafter as and when directed by him in writing to do so.
- (iii) The petitioner shall not enter the limits of Kalladikkode Police Station, till trial is over except for the purpose of complying condition No.(ii).
- (iv) The petitioner shall surrender his passport before this court within one week from the date of his release from the jail and in case he has no passport he shall file an affidavit to that effect before this court within one week from the date of his release from the jail.
- (v) The petitioner shall not commit any offence of like nature while on bail.
- (vi) The petitioner shall not contact the survivor or her relatives or parents or the prosecution witnesses directly or through any other person or any other way, try to tamper with the evidence or influence any witnesses or other persons so as to dissuade them from stating the true facts before the Court.
- (vii) The petitioner shall not leave the State of Kerala without the permission of this court.

In the event of violation of above conditions, the prosecution is at liberty to apply for cancellation of bail as contemplated under law.

*Dictated to Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 19<sup>th</sup> day of March, 2026.*

*Sd/-*

**Special Judge/Additional Sessions Judge – I**

**Fair/Copy of Order  
in Crl.M.P.No.03/2026.  
Crime No. 54/2026.  
Dated :19.03.2026.**