

**IN THE COURT OF THE FAST TRACK SPECIAL JUDGE,
KOTTARAKKARA**

Present:- Smt.Naina.K.V, Special Judge.

Wednesday, the 8th day of April, 2026 18th Chaithra 1948

CRL.M.P. No.07/2026 in SC 378/2026

(Crime No.182/2026 of Puthoor Police Station)

Petitioner (A1)	: Rajan Babu @ Murari Thantri, Aged 47 years, S/o. Vasudevan, residing at Saraswathy Mandiram, Vendar, Neduvathoor, Areekkal, Puthoor, Kollam. (By Adv.C.R Syam Mohan)
Respondent	: State of Kerala represented by the SHO, Puthoor Police Station. (By Adv.Shugu.C.Thomas, Public Prosecutor, Kollam)

This petition coming on for hearing on 06.04.2026 and the court on 08.04.2026 passed the following:-

ORDER

This is a petition filed by the learned counsel for the accused in the above case for bail.

2. The averments in the petition are as follows.

The petitioner is the sole accused in Crime No. 182/2026 of Puthoor Police Station registered under Section 64(1),74,75(1)(i),76,115(2),118(1) of BNS and s.3(b)r/w4(1),7 r/w 8 of the POCSO Act. The prosecution's allegation is that the defacto complainant accompanied by her mother visited the accused on

08.02.2026, who is known in the locality as an astrologer, after securing a prior appointment for consultation. It is alleged that during consultation the accused represented to the defacto complainant that she was afflicted by an evil spirit and that certain special poojas were required to remove the same. Making the defacto complainant believe the representations made by the accused the defacto complainant was taken by him to a separate room on the pretext of conducting pooja. It was alleged that inside the room, the accused instructed the defacto complainant to remove her dress as a part of perpetrated ritual. When she refused to comply with the said demand, the accused allegedly assaulted her and attempted to commit sexual assault upon her and the accused is said to have committed the above said offences. According to the petitioner/accused, the allegations set out in the complaint are wholly false, baseless and have been deliberately distorted with a view to implicate the petitioner in a fabricated case. The petitioner has never at any point of time made an indecent gesture or behaved in an inappropriate manner towards the defacto complainant. The petitioner is a well known and reputed astrologer across the State of Kerala who conducts his astrological practice under the name and style Murari Jyothishalayam and is popularly known as Murari Thanthri. Numerous persons from different parts of the state and the country regularly visit him for astrological consultation. The defacto complainant and her mother were not strangers to the petitioner. They had on several prior occasions visited the petitioner for astrological consultations. On 08.02.2026, the defacto complainant accompanied

by her mother again visited the petitioner's establishment at about 10.00 a.m. to seek consultation regarding her horoscope and to enquire about her academic prospects. At the said time the petitioner was attending other clients and the defacto complainant and her mother were waiting in the premises along with other visitors which was clearly captured in CCTV footage installed at the premises. The said CCTV footage has already been collected by the Investigating Police Authorities and would substantiate the true sequence of events. Allegations now levelled against the petitioner are nothing but an afterthought intended to malign his reputation and to harass him by initiating criminal proceedings. On 08.02.2026, owing to heavy rush and prior appointments, the petitioner was attending several devotees and clients throughout the day. The defacto complainant and her mother were accordingly consulted only at about 04.30 p.m. in the ordinary course of business. The consultation conducted with the defacto complainant and her mother was streamed live through the petitioner's official YouTube channel, under the name Murari Jyothishalayam, without disclosing or revealing their personal identity which itself establishes the transparency with which the petitioner conducts his consultations. The specific allegation that she was attacked at around 02.30 p.m. is demonstrably incorrect and inconsistent with the recorded material. During the consultation, the petitioner informed the defacto complainant that he would provide her with an elastic strap (ചരട്) duly worshipped, to be worn on her wrist as part of remedial measures suggested. For that limited purpose, she was asked to wait in the adjacent pooja room. The

allegation that the petitioner forcibly closed the door and the mother of the defacto complainant was made to wait outside is false. The jyothishalayam is conducted in the petitioner's ancestral family house and the petitioner resides in the adjacent residential building. All doors in the jyothishalayam premises are fitted with automatic door stoppers. The petitioner has never forcibly closed any door and the same is clearly evidenced from The CCTV visuals installed within the premises which have already been collected by the Investigating Authorities. During the course of the interaction, the defacto complainant stated that they are facing financial difficulties and sought monetary assistance. The petitioner informed them that he was not in a financial position to provide any such financial help. Thereafter, the defacto complainant suddenly became agitated and attempted to create a scene and allegedly tried to attack the petitioner. The CCTV footage clearly shows that the defacto complainant was coming out of the pooja room without any sign of distress. The visuals further revealed that she had not come alone with her mother, but that certain other persons were also present in and around the premises. It is also evident from the CCTV footage that while waiting the defacto complainant was seen on multiple occasions conversing with certain unknown persons in a car parked nearby. The above circumstances as borne out by CCTV footage and other material evidence clearly establish that the allegations now levelled against the petitioner are false. The petitioner had earlier filed a bail application CMP 3/2026 before the Hon'ble First Additional District Court, Kollam to which the mother of the defacto complainant filed an objection contending that

the defacto complainant was appearing for 10th standard examination and that the grant of bail to the petitioner would adversely affect her mental condition. The said contention is no longer sustainable as the examinations are now nearing completion/ already over. Mere grant of bail to the petitioner would not adversely affect the mental condition of the defacto complainant. It is further submitted that the investigation in the above case has already been completed and the final report has been filed. The case has now been taken on file as SC 378/2026 and has been made over to this court for trial. The continued detention of the petitioner judicial custody is wholly unnecessary and unwarranted. The defacto complainant voluntarily left the jyothishalayam along with her mother and the persons who accompanied them in the car. At no point of time during the said occasion were any allegations whatsoever raised against the petitioner. The petitioner is presently suffering from serious medical ailments including a full thickness tear of the supra spinatus and subcapularis tendons, acromio clavicular joint arthropathy, reduced subacromial space and mild joint effusion of the left shoulder. He has been medically advised to undergo surgical intervention. In view of his present physical condition and severe functional limitations, the petitioner is incapacitated and physically incapable of committing the acts alleged against him. Hence the allegations are wholly improbable, unsustainable and liable to be rejected. The petition was arrested on 09.02.2026 and subsequently remanded to judicial custody just by lack of verification of basic facts and allegations. The petitioner is in a physically deliberated condition and is unable to carry out his normal day-to-

day activities as his left shoulder is seriously injured. He has been medically advised to undergo surgical treatment and is presently under medical care. The petitioner is not involved in any other criminal offences and has no criminal antecedents. No other bail application for similar relief is pending before any other court including this court. The petitioner is ready to abide by any conditions imposed by this court. The petitioner would not tamper with evidence and would not make any effort towards winning over witnesses. The investigation in this case is nearly complete. Keeping the petitioner in prison will not serve any useful purpose. Hence this petition is filed.

3. The Investigating Officer through the learned Special Public Prosecutor filed objection in detail as follows:

The accused has been conducting a 'jyothisalayam' in the name of Murari Jyothisalayam in the house Saraswathy Manidiram also known as Cheruvally Illam near Sree Vishyadiraja Model School, Azheekkal in Neduvathoor Village. On 08/02/2026 at about 11.30 hours, the minor survivor, aged 15 years, visited the jyothisalayam along with her mother for consultation regarding her horoscope. The accused had the intention of subjecting the survivor to penetrative sexual assault. To achieve this, he kept the survivor and her mother waiting until the other clients left, making them believe that a pooja was to be conducted. Thereafter after 4.00 pm, the accused took the survivor under the pretext of conducting a pooja to a bed

room adjacent to the jyothisalayam having doors. Some liquor bottles were kept there. He closed the door of the bed room from inside and compelled the survivor to remove her cloths stating that it was for the Pooja. When she refused, he slapped on both cheeks of the survivor and hit her head against the wall. Thereafter he brutally attacked her. When the survivor started collapsing to the floor, the accused lifted her and put her on the cot. He forcibly removed her top, pants and innerwears. He made her naked and inflicted sexual abuse by harshly touching her breasts. Thereafter, he also bit the lip of the survivor and inserted his finger into her private area. When the survivor screamed, he threatened her that he would tell others that she had an evil affliction.

4. According to the Investigating officer, blood stains belonging to the survivor were recovered from the place of occurrence, along with her blood stained dress. The girl sustained injuries on her lips and hand due to the brutal sexual abuse. Most of the material witnesses are neighbours of the accused who have a close relationship with him. If the accused is released on bail, he might influence them by supporting them financially or by threatening those who do not heed his demand. The accused had cruelly assaulted the survivor by manhandling her and biting her lip. He also threatened her during the attack, warning her not to reveal the incident to anybody else. So if he is released, he would for sure threaten the survivor who is only a 10th standard student and is making preparation for her higher

studies. The accused has concealed his chain, which has blood stain on it. He may tamper with evidence, if he is released. The accused is highly influential and he has many followers on social media. His release would send a wrong message to society and these kinds of grave offences would be taken lightly by the society.

5. Heard.

6. The points that arise for consideration are:

1. Is the petitioner entitled to get an order as sought for?
2. What is the order?

7. **Point No. 1 and 2:** The contentions of the accused/petitioner in the bail application and the objection of the investigating officer have already been referred to.

8. The learned counsel for the accused has argued that no such incident as alleged happened and the allegations are false, exaggerated and made with the intention to malign the reputation of the accused, who is a known astrologer. According to him, nothing unusual happened and the events were being recorded in the CCTV which was already seized by the Investigating Officer. He contended that a false allegation was made since the accused/petitioner denied the request of the survivor, minor girl for financial assistance. He pointed out that charge sheet has already been filed and there is no necessity to detain the accused further in judicial custody. It was also contended that the accused is suffering from medical ailments and is

incapacitated and physically incapable of committing the acts alleged against him. Furthermore, he has been advised to undergo immediate surgery due to health issues. The interrogation is complete, and the accused is ready to abide by any condition imposed by this court. He would not tamper with evidence or make any efforts to win over the witnesses, and he has no criminal antecedents.

9. The learned Special Public Prosecutor strongly opposed the bail application, stating that this is a grave and serious offence which must be viewed seriously. According to him, it is not feasible to grant bail to the accused at this stage since the accused being an influential person and some of the witnesses being the neighbours of the accused, there is every chance for the accused to win over the witnesses by providing monetary assistance or by threatening them. Moreover, he will threaten the survivor who is a child studying in 10th standard whose father is no more and will cause severe mental trauma to her which will affect her studies and will affect fair trial in this case. He has already threatened the survivor while committing the offence alleged in this case. The medical records would show that the survivor child sustained injuries as she was brutally manhandled and sexually abused by the accused. There is a strong prima facie case made out against the accused. It is false to state that he had some medical ailments which made him incapable of committing the offence. Furthermore, the statement by the learned counsel that the the accused needs an immediate surgery is false

as not supported with medical records and made only to secure bail. He sought for dismissing the petition.

10. Heard. Perused the records. The accused is in judicial custody since 10/02//2026. The final report has been filed within the statutory period, as rightly pointed out by the learned Special Public Prosecutor. A strong prima facie case is seen made out against the accused from the records available. The available medical records would show that bite marks were seen over the lips of the minor survivor. The victim has narrated the details of the incident in the FIS . It was given without any delay. This court cannot go into the merit of the case at this stage. The apprehension of the prosecution is that the accused being an influential person in society, is likely to threaten the victim and influence other material witnesses who are his neighbours appears to be well- founded considering the gravity of the crime. Trial has not yet started in this case. Chance for tampering with the evidence by the accused if he is released on bail cannot be ruled out under the present circumstances. There is chance for him to abscond which would delay the proceedings in this case. The learned counsel for the accused submitted that accused is having medical ailments and needs immediate surgery, but no supporting documents produced. Further if the accused needs any medical aid, he can seek the assistance of Superintendent of jail concerned. Considering the facts and circumstances and the social background of the petitioner as well as the survivor, I am satisfied that the accused cannot be

granted bail till the prime witness and the material witnesses are examined so as to ensure fair trial in this case. It is needless to state that accused is at liberty to file bail application after the examination of the vital witnesses in this case. For the above reasons, I am not inclined to grant bail to the accused/petitioner at this stage.

In the result, this petition is dismissed.

Dictated to the Confidential Asst., transcribed and typed by her, corrected by me and pronounced in open court on this the 8th day of April 2026.

Sd/-
NAINA.K.V
SPECIAL JUDGE

APPENDIX:NIL

Sd/-
SPECIAL JUDGE