

**IN THE COURT OF ADDL. DISTRICT AND SESSIONS JUDGE,
ERNAKULAM**

(For the trial of cases relating to Atrocities & Sexual Violence against Women
and Children)

PRESENT:

Shri. C.K.Madhusoodanan, Addl. District & Sessions Judge

Tuesday 17th day of March, 2026 /25th Pusha, 1947.

Crl. M P No.1/2026

in

Crime No 279/2026 of North Paravur Police Station

Petitioner/ Accused

Muhammed Hafis M.A, aged 20 years,
S/o Kareem M.K, Madathikattu Colony,
HMT Colony, Thrikkakara North,
Ernakulam.

By Adv. Vivek Venugopal

Respondent/ Complainant

State of Kerala, represented by
Sub Inspector of Police,
North Paravur Police Station.

By Adv. P.A Bindu Special Public Prosecutor

This petition having been finally heard on 16-03-2026 and the court on
17-03-2026 passed the following:-

ORDER

Petition filed u/s. 483 of BNSS.

2. Brief facts in the petition are as follows:- The Petitioner is
alleged to have committed offences punishable under Section 137 of BNS
and Section 7 r/w 8 of the Protection of Children From Sexual Offences
Act. The prosecution alleges that the petitioner and the victim were in a

romantic relationship. The petitioner without consent of the parents of the victim, took her out and thereafter at the house of the victim's friend, he hugged and kissed her and thus committed the above offences. It is mooted in the bail application that the petitioner is innocent of the allegations. He is only 20 years old. The petitioner has no antecedents. He has got solvent sureties. The petitioner is ready and willing to abide by any conditions imposed.

3. Copy served. Petition opposed by prosecution. Report filed by the investigating officer opposing the bail application.

4. Heard both sides.

5. The accused is in custody from 08.03.2026. The investigating officer got sufficient time to complete investigation. The only prosecution allegation is that the accused hugged and kissed the victim and there are no other allegations of serious sexual violence. The first information statement itself shows that the accused and the victim were in intimate romantic relationship. The accused is aged 20 years only and the victim is of 17 years. The allegations show that the victim voluntarily went along with the accused and stayed in a friend's house. But the consent is immaterial considering the age of the victim. But the relation between the parties is to be taken note of while granting benefit of bail. The alleged sexual assault

is merely in the nature of a romantic endearment rather than a sexual assault with criminal intent. Serious criminality need not be attributed against a boy of 20 years who is in intimate romantic relationship with the victim. In such circumstances, the bail application should be liberally considered failing which it will work out severe injustice to the accused. Several High Courts and Hon'ble Supreme Court have time and again directed that the romantic relationship and intimacy between the parties and narrow age difference between them should be considered while granting of bail. It is worthwhile to quote certain observations made by the Hon'ble High Court of Delhi **in 2022 (6) HCC Delhi 530 (Ajaykumar v. State (NCT of Delhi) and another.**

4. In my opinion the intention of POCSO was to protect children below the age of 18 years from sexual exploitation. It was never meant to criminalize consensual romantic relationships between young adults.....

10. Thus, this is not a case where the girl was coerced into the relationship with the boy. In fact, Ms. „A“, herself went to the applicant's house and asked him to marry her. The statement of the victim makes it clear that this is a romantic relationship between the two and that the sexual act involved between them was consensual. Although the victim is minor and hence her consent does not have any legal bearing, I am of the opinion that the factum of a consensual relationship

borne out of love should be of consideration while granting bail. To ignore the statement of the victim and let the accused suffer behind jail, in the present case, would otherwise amount to perversity of justice.

Again in **2026 KHC Online 6036 (State of Uttarpradesh v. Anurudh)**

Hon'ble Supreme Court also adversely commented such prosecutions and opined that it should be liberally considered while considering the bail application. Considering the above circumstances, age of the accused and the period of incarceration so far undergone, this court is inclined to grant bail to the accused.

In the result,

- 1) The petition is allowed.
- 2) The petitioner is granted bail on the following conditions.
 - i) The petitioner shall execute a bail bond of Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum.
 - ii) He shall appear before the Investigating Officer on every Monday between 9 am and 10 am for a period of 6 months or till the filing of the final report, which ever is earlier.
 - iii) The accused shall not commit any offence while on bail.
 - iv) The accused shall not directly or indirectly make

any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer, and should not tamper with the evidence in any manner.

- v) He shall not contact the victim or his family members.
- vi) He shall appear before the investigating officer as and when required to do so.

Pronounced in open court on this the 17th day of March, 2026.

(Sd/-)
C.K.Madhusoodanan,
Addl. District & Sessions Judge.

Appendix - Nil

(Sd/-)
Addl. District & Sessions Judge.
(By Order)

//True Copy//

Sheristadar

Criminal MP.01/2026
North Paravoor Police Station
in Crime No.279/2026
ORDER : Dated:17.03.2026.