

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

Present: Hareesh G., Special Judge

Saturday, the 15th November, 2025

CRL.M.P. No.203/2025 IN S.C No.1034/2025

(Crime No.400/2025 of the Police Station at Thrikkunnappuzha)

Petitioner/Accused : Adv.Smt. Saritha C.S. for and on behalf of the 2nd accused – Ambika P.K., aged 53/25, D/o Kunjappan, Parackal Veedu, Kodanadu Muri, Vadakkumpalli – Panamkuruthottam Bhagam, Kodanadu P.O., Kodanadu Village, Kunnathunadu Taluk, Ernakulam District.

Cr. Petitioner/Complainant : State of Kerala – represented by the Deputy Superintendent of Police, Kayamkulam.

(By Special Public Prosecutor, Haripad)

Proceedings : Application for bail.

Order : ***Allowed.***

This petition having been finally heard on 14/11/2025 and the Court on this day passed the following:

ORDER

(1) This is an application filed u/S.483(1) of the Bharatiya Nagarik Suraksha Samhitha 2023 (for short, B.N.S.S.). Petitioner/accused is the 2nd accused in Crime No.400/2025 of the Police Station at Thrikkunnappuzha. The said case is registered against the petitioner/2nd accused and two other accused persons alleging their

commission of the offences punishable u/Ss.376(2)(n), 376(3), 323 r/W S.34 of the Indian Penal Code (for short, 'IPC'), u/Ss.4 r/W 3, 6 r/W 5(l), 17 & 21 of the Protection of Children from Sexual Offences Act, 2012 (for short, PoCSO Act) and S.3(2)(v) & (va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act (for short, SC/ST (PoA)).

- (2) The facts and grounds stated in the present application are as follows:- The petitioner/2nd accused is innocent of the prosecution allegations and she is falsely implicated in this case. The petitioner/2nd accused is the mother of the defacto complainant and as such there is no chance for her to induce or intimidate the victim girl to marry the 1st accused. There are some family disputes between the petitioner and her daughter/ the victim girl . The petitioner/2nd accused will not try to intimidate or influence any of the witnesses. She will not try to tamper with the evidence of the case. The petitioner/2nd accused is ready to abide any conditions imposed by this Court. The previous applications submitted by the petitioner/2nd accused were dismissed by the Court. Investigation of the case is completed. The petitioner/2nd accused has been in custody since 07/06/2025. The petitioner had no bad antecedents and she has not involved in any other crime. Therefore, the application is to be allowed.

- (3) Heard the counsel for the accused. The learned S.P.P. was absent when the matter was heard.
- (4) This is the third application submitted by the 2nd accused. She is none other than the mother of the victim girl.
- (5) The prosecution allegation in this case is that the victim girl belongs to Scheduled Caste and the 1st accused, who belonged to Hindu - Ezhava community, contacted her while the victim girl was studying in Std.VIII. That in the summer vacation of 2023, one day in the month of April or May, the 2nd accused compelled the victim girl to marry the 1st accused and the 2nd accused took her daughter to the house of the 1st and 3rd accused in Kumarapuram Village and then the 1st accused committed rape on her in the said house. The victim girl stayed in the house of the 1st accused for one week and on that period also, the 1st accused had sexual intercourse with the victim girl. Thereafter, in the month of April - May of 2023, the victim girl reached the house of the 1st accused and the 1st accused compelled the victim girl to have sexual intercourse with him. As the victim girl resisted, the 1st accused slapped on her left cheek. The 2nd and 3rd accused compelled the victim girl to have sexual intercourse with the 1st accused and the 1st accused on several times committed rape on the victim girl in his house. Thereafter, in the month of May 2024 also, the 2nd

accused took the victim girl to the house of the 1st & 3rd accused and on that occasion also, the 2nd and 3rd accused compelled the victim girl to have sexual intercourse with the 1st accused. Thereafter, the 1st & 3rd accused reached the house of the 2nd accused in the car bearing Regn.No.KL-29/E 7683 and proposed the victim girl. The 2nd and 3rd accused compelled the victim girl to have sexual intercourse with the 1st accused since here age of 14 and thereby committed the offences under the PoCSO Act. The 2nd accused being the mother of the defacto complainant committed the offences punishable u/Ss.376(2)(n), 376(3), 323 r/W S.34 of the IPC and Ss.4 r/W 3, 6 r/W 5(I)), 17 & 21 of the PoCSO Act.

- (6) The learned counsel for the 2nd accused argued that the prosecution case is a false story and there is inconsistency in the deposition of the victim girl. She also argued that there is no medical evidence to support the prosecution case and the prosecution case is not sustainable. The counsel also argued that for the last five months, the 2nd accused has been in judicial custody and no purpose would be served by her further detention. The counsel also argued that the petitioner/2nd accused is ready to abide by any conditions imposed by this Court and as the final report is filed, further detention of the petitioner is unwarranted.

- (7) As mentioned earlier, the Special Public Prosecution of this Court was absent when the matter was taken for hearing. A report from the investigating officer is called for. As per the report, the victim girl is now housed in a shelter home. From the records, it is found that the petitioner is in judicial custody since 07/06/2025 and her previous applications were dismissed. Now the case is made over to this Court for trial from the Addl. District & Sessions Court-1, Alappuzha. Since the Special Public Prosecutor of this court was not attending the Court, there is no chance for the immediate commencement of the trial of the case. Since the final report is filed, it is found that further detention of the petitioner is not necessary and she can be released on bail on imposing conditions.

In the result, the application is allowed on the following conditions:-

- (i) The petitioner/ accused shall execute bond for ₹50,000/- with two solvent sureties each for the like sum.**
- (ii) The petitioner /accused shall not fail to appear before the Court on all material posting dates.**
- (iii) The petitioner /accused shall not involve in similar offences while on bail.**
- (iv) The petitioner /accused shall not leave the state of Kerala without obtaining prior p[ermission of the Court.**

- (v) **If the petitioner /accused violates any of these conditions, the bail will be cancelled and will be committed to prison.**
- (vi) **The petitioner/accused shall not contact the victim girl until the trial of the case is over nor shall she intimidate or influence any witness in the case.,**

Comply conditions. Execute bond. Send copy of this order to the prison in which the accused is detained.

Dictated to the Confidential Asst. typed by him directly on the computer corrected and pronounced by me in open court on this the 15th day of November, 2025.

Sd/-

**Special Judge,
Fast Track Special Court,
Haripad.**

// True Copy//

**Special Judge,
Fast Track Special Court,
Haripad.**

CMP No.203/2025 IN S.C. No.1034/2025

Order pronounced on: 15/11/2025

**Order hand over to Bench Clerk on:
15/11/2025**

**Special Judge,
Fast Track Special Court,
Haripad.**