

IN THE COURT OF THE FAST TRACK SPECIAL JUDGE, HARIPAD

Present: Hareesh G., Special Judge

Wednesday, the 26th November, 2025

CRL.M.P. No.206/2025 IN S.C No.1034/2025

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

Petitioner/Accused : Adv.Sri. Jayan P. for and on behalf of the 1st accused - Jayesh S/o Dayanandan, aged 37/25, Mangalasserikattil Veedu, Erikkavu Muri, Erikkavu P.O., Kumarapuram P/W-13, Near Ali mukku, Kumarapuram Village, Karthikappally Taluk.

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 25/11/2025 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 1st accused in Crime No.400/2025 of the Police Station at Thrikkunnappuzha. The said case is registered against the petitioner/1st 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/1st accused has not committed any offence, as alleged in the case. Having a mistaken notion about the relationship between the 2nd accused (the mother of the victim) and the 1st accused, the victim girl continuously quarreled with the 1st & 2nd accused and they became on inimical terms and out of that grudge, the victim girl has fabricated this false case.
- (3) The petitioner/1st accused has been in judicial custody since 09/06/2025. Investigation of the case has been completed and there is no need for petitioner's further detention. There is no one to look after the aged mother of the 1st accused. The petitioner/1st accused has got sufficient sureties and if the petitioner is released on bail, he will regularly appear before the Court without fail. Furthermore, the petitioner is ready to abide by the conditions imposed by this Court for granting bail. Therefore, the petitioner/1st accused is to be enlarged on bail. Hence, this application.

- (4) Heard the counsel for the accused. Though the learned S.P.P. was also present in the Court, he did not argue the matter.
- (5) This is the third application submitted by the 1st accused. 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. In short the 1st accused 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 against the victim girl.

- (6) The learned counsel for the 1st accused argued that the prosecution case is a false story and there is inconsistency in the deposition of the victim girl. He 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 1st accused has been in judicial custody and no purpose would be served by his further detention. The counsel also argued that the petitioner/1st 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 did not submit anything when the matter was taken for hearing. A report from the investigating officer is called for. The investigating officer opposed the bail application. From the records, it is found that the petitioner is in judicial custody since 09/06/2025 and his

previous applications were dismissed. Now the case is made over to this Court for trial from the Addl. District & Sessions Court-1, Alappuzha. Since now a days 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 he can be released on bail on imposing conditions.

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

- (i) The petitioner/1st 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 permission 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 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 26th day of November, 2025.

Sd/-

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

//True copy//

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

CMP No.206/2025 IN S.C. No.1034/2025

Order pronounced on: 26/11/2025

**Order hand over to Bench Clerk on:
26/11/2025**

Special Judge,

**Fast Track Special Court,
Haripad.**