

IN THE COURT OF THE FAST TRACK SPECIAL JUDGE, HARIPAD

Present:- Hareesh G., Special Judge

Monday, the 5th day of January, 2026

Crl.M.P. No.242/2025 in S.C. No.1034/2025

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

Petitioner/accused : Jayesh, aged 38, S/o Dayanandan,
Mangalasseril Kattil, Erickavu P.O.,
Kumarapuram Village.

(by Adv.Sri. Jayan P.)

Cr.Petitioner/Complainant : State of Kerala - represented by
DySP, Kayamkulam.

(by Special Public Prosecutor, Haripad)

Application : u/S.497 of Bharatiya Nagarik
Suraksha Sanhitha, 2023.

Order : Allowed.

This Crl.M.P having been finally heard on 03/01/2026 and the Court on this day passed the following:-

ORDER

- (1) This is an application filed under Sec.497 of Bharatiya Nagarik Suraksha Sanhita, 2023 (For Short, B.N.S.S). Petitioner is the 1st accused in the above numbered case S.C No.1034/2025, which is registered against him and two other persons alleging commission of 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 Protection of

Children from Sexual Offences Act. The present application is supported by an affidavit sworn by the petitioner/accused.

- (2) The facts stated in the said affidavit, in brief, are as follows:- The police have seized the petitioner's car (Hyundai Eon) bearing Regn.No.KL-29-E-7683 and produced the same before the court. The car is now lying in the premises of the police station Thrikkunapuzha and is exposed to sun and rain. If the vehicle is not released to the petitioner and that will cause irreparable injury and hardship to the him. If the vehicle is released to the petitioner, the petitioner is ready to produce the same before the court as and when directed. The petitioner has got sufficient sureties for getting released the vehicle. Therefore, the application is to be allowed and the vehicle is to be released to the interim custody of the petitioner.
- (3) Upon receipt of the application, the investigating officer was directed to file his objection, if any. The investigating officer has filed a detailed report opposing the application. According to the investigating officer, if the vehicle is released to the petitioner, he will use the vehicle for repeating the offences and there is chance for him to transfer the same for destroying the evidence.
- (4) Heard the learned Special Public Prosecutor and the learned counsel for the accused.
- (5) The prosecution allegation in this case is as follows:- 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 petitioner wanted to get the vehicle released to him. It is noticed that the investigation of the case is completed and the final report has been laid before the Court. The vehicle involved in this case is need not be kept idle till the conclusion of the trial. It will take some time for the conclusion of the trial and keeping the vehicle idle all that time will damage the vehicle. As held by the Hon'ble Apex Court in **Sunderbhai Ambalal Desai v. State of Gujarat [AIR 2003 SC 638]**, it is more appropriate to release the seized vehicle rather than detaining them, leading to deterioration and loss of value. Considering the facts and circumstances of the case, it is found that the vehicle mentioned in the application can be released to the petitioner on conditions.

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

- (1) The value of the vehicle shall be assessed by a Motor Vehicle Inspector attached to the R.T. Office which is having jurisdiction over Thrikkunnappuzha police station.
- (2) The DySP, Kayamkulam shall get the value of the vehicle assessed as aforesaid as expeditiously as possible at any rate

within a period of 10 days from the receipt of the copy of the order by the learned SPP of this Court.

- (3) The petitioner shall execute bond for the value of vehicle assessed by the RTO as aforesaid with two solvent sureties for the like sum.
- (4) The DySP, Kayamkulam shall also produce four photographs of the said vehicle showing its clear image of the vehicle along with a pen-drive containing the image of the vehicle.
- (5) The petitioner shall produce the vehicle as and when directed by the Court.
- (6) Petitioner shall submit notarized copies of the registration certificate and other documents pertaining to the vehicle.
- (7) The petitioner shall file an affidavit, undertaking to produce and restore vehicle to the custody of the Court, if so warranted.

Comply conditions. Execute bond.

(Dictated to the Confidential Asst. typed by her directly on the computer corrected and pronounced by me in open court on this the 5th day of January, 2026).

Sd/-
Special Judge,
Fast Track Special Court, Haripad.

-//True Copy//-

Special Judge,
Fast Track Special Court, Haripad.