



2025:KER:69158

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

WEDNESDAY, THE 17TH DAY OF SEPTEMBER 2025 / 26TH BHADRA, 1947

BAIL APPL. NO. 11668 OF 2025

CRIME NO.1048/2025 OF MANGALAPURAM POLICE STATION,

THIRUVANANTHAPURAM.

PETITIONER/ACCUSED:

BY ADVS.
SHRI.BINU BABUKUTTAN
SHRI.AROMALUNNI M.S.
SHRI.ANANTHAKRISHNAN A.
SMT.NIMA MERIYAM KOSHY
SHRI.SAJI KUMAR P.G.

RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, PIN - 682031.

SMT. SREEJA V., PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
17.09.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



BECHU KURIAN THOMAS, J.

.....
B.A.No. 11668 of 2025
.....

Dated this the 17th day of September, 2025

ORDER

This bail application is filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS').

2. Petitioner is the accused in Crime No.1048/2025 of Mangalapuram Police Station, Thiruvananthapuram, registered alleging offences punishable under Sections 69, 74 and 115(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

3. According to the prosecution, the accused had from 2023 till 06.08.2025, indulged in sexual intercourse with the victim after promising to marry her and also assaulted her and thereby committed the offences alleged. Petitioner was arrested on 31.08.2025, and he has been in custody since then.

4. I have heard the learned Counsel for the petitioner as well as the learned Public Prosecutor.

5. The learned counsel for the petitioner submitted that petitioner has been in custody since 31.08.2025 and hence he ought to be released on bail.

6. The learned Public Prosecutor opposed the bail application.



7. The statement of the victim reveals that she is a lady with a 7 year old child and is even divorced. According to her, she became acquainted with the accused in the year 2023 at a gym owned by him. Their acquaintance grew, and soon they started indulging in physical relationship pursuant to a promise of marriage. The defacto complainant also alleges that from 2023 till 27.08.2025, on several occasions she had indulged in physical relationship with the accused, who had even offered to take her to Canada with him. Subsequently, he started avoiding the victim and blocked her on his mobile phone.

8. A reading of the above statement prima facie indicates that there was a consensual relationship between the petitioner and the victim for almost two years. Though the learned counsel for the petitioner vehemently contended that the marriage of the victim is still subsisting, her statement mentions that she is a divorcee.

9. Even if it is assumed that the petitioner is a divorced lady, taking note of the long relationship between the petitioner and the victim, and that she had willingly gone with him to his house and other places and engaged in sexual intercourse, I am of the view that there is an indication of a consensual relationship. Of course, that is a matter to be concluded after the investigation.

10. Taking note of the nature of allegations in the F.I. Statement, it is evident that the principles of law laid down by the Supreme Court



in the decision in the decision in **Prashant v. State of NCT, Delhi** [2024 INSC 879], are attracted. In the said decision, the Supreme Court had observed that merely because a relationship between a couple has turned sour and the marriage did not take place are not reasons to assume that the offence of rape was committed or that the physical relationship was entered into on the basis of a false promise of marriage.

11. Again in **Amol Bhagwan Nehul vs. State of Maharashtra** [2025 INSC 782] the Supreme Court observed that a consensual relationship turning sour at a later point in time or partners becoming distant cannot be a ground for invoking the criminal machinery of the State and that such conduct not only burdens the Courts, but blots the identity of an individual accused of such a heinous offence.

12. In view of the above, I am of the opinion that further custody of the petitioner is not necessary. Therefore, petitioner is entitled to be released on bail.

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

(a) Petitioner shall be released on bail on him executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the court having jurisdiction.

(b) Petitioner shall appear before the Investigating Officer as and when required.



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(c) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence.

(d) Petitioner shall not commit any similar offences while he is on bail.

(e) Petitioner shall not leave India without the permission of the Court having jurisdiction.

In case of violation of any of the above conditions or if any modification or deletion of the conditions are required, the jurisdictional Court shall be empowered to consider such applications, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court.

Sd/-

BECHU KURIAN THOMAS
JUDGE

mea



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APPENDIX OF BAIL APPL. 11668/2025

PETITIONER ANNEXURES

Annexure A2

THE TRUE COPY OF THE ORDER DATED
03.09.2025 IN CMP. NO: 4247/25 FILED
BEFORE JFMC II, ATTINGAL