



2025:KER:98919

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE JOBIN SEBASTIAN

TUESDAY, THE 30TH DAY OF DECEMBER 2025 / 9TH POUSHA, 1947**BAIL APPL. NO. 14542 OF 2025**

CRIME NO.804/2025 OF SHORNUR POLICE STATION, PALAKKAD

AGAINST THE ORDER DATED 05.12.2025 IN BAIL APPL. NO.14128 OF
2025 OF HIGH COURT OF KERALA**PETITIONER/ACCUSED:**

SREENATH.K.S
AGED 31 YEARS
S/O. SUNIL KUMAR.K.N, SREERAG KUNNATH HOUSE,
CHUDUVALATHUR (P.O), SHORNUR, PALAKKAD DISTRICT.,
PIN - 679121.

BY ADVS.
SRI.NIREESH MATHEW
SRI.VIVEK VENUGOPAL
SRI.BABU JOSE
SHRI.GAJENDRA SINGH RAJPUROHIT
SHRI.ATHUL POULOSE

RESPONDENTS/STATE & VICTIM:

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

2 XXXXXXXXXX
XXXXXXXX XXXXXXXXXX.

BY ADVS.
ADV U JAYAKRISHNAN, PP
SMT. PRABHA R.MENON
SHRI.ARUN SAMUEL

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.12.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



JOBIN SEBASTIAN, J.

**.....
B.A. No. 14542 of 2025
.....**

Dated this the 30th day of December, 2025

ORDER

This Bail Application is filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita (for short "BNSS").

2. The petitioner herein is the sole accused in Crime No.804/2025 of Shornur Police Station, Palakkad District, registered alleging commission of offences punishable under Sections 376(3), 354A(1)(i) and 449 of the Indian Penal Code, 1860, and Sections 8, 7, 4(1), 3(b) of the Protection of Children from Sexual Offences Act, 2012.

3. The prosecution allegation can be epitomised as follows: The accused is the survivor's mother's friend. The survivor is a minor girl aged 16 years. On a Saturday in between 01.01.2022 and 31.12.2022 while the survivor was aged 13 years at that time, the accused with the intention to sexually abuse her remained in the bedroom of the rented house, where the survivor was residing and put his hands through the inner side of the dress worn by the survivor and caught on the breast and abdomen of the survivor and inserted his fingers into the private part of the survivor and thereby committed the aforementioned offences.



4. Heard the learned Counsel for the petitioner, the learned counsel for the de facto complainant and the learned Public Prosecutor.

5. The learned counsel for the petitioner submitted that the petitioner is wholly innocent of the allegations levelled against him and that the present case is a clear instance of false implication. It is contended that the mother of the minor victim had borrowed a substantial sum of money from the petitioner and, with the intention of evading repayment of the said amount, has fabricated the present complaint by misusing the minor child. In support of this contention, a cheque leaf allegedly issued and signed by the victim's mother in favour of the petitioner has been produced. The learned counsel further submitted that the petitioner was employed abroad and that the victim's mother, who was estranged from her husband, had expressed her desire to marry the petitioner. However, the petitioner contracted marriage with another woman on 20.10.2025. According to the petitioner, this development has triggered animosity on the part of the victim's mother, which has culminated in the foisting of the present false case against him.

6. Per contra, the learned Public Prosecutor opposed the bail application, highlighting the serious nature of the offence attributed to the accused. The learned counsel appearing for the victim vehemently opposed the application. She submitted that, in the



event of the petitioner being released on bail, the possibility of the petitioner repeating similar offences cannot be ruled out. She further expressed serious concerns regarding the safety and security of the minor victim if the petitioner is enlarged on bail.

7. A perusal of the records reveals that the FIR was registered three years after the alleged incident. This inordinate delay cannot be viewed lightly, particularly in light of the petitioner's contention that the proceedings were foisted by the victim's mother to wreak vengeance and evade the repayment of a substantial debt.

8. While I am mindful of the settled law that delay in lodging an FIR in sexual offence cases is often of little consequence as the social stigma and the victim's future often weigh heavily on the minds of parents, this principle is not absolute. Where there is a discernible possibility of false implication, such a delay must be scrutinised closely.

9. In the present case, the petitioner consistently maintains that the victim's mother owed him a significant sum, for which she issued a cheque of Rs. 20,00,000/-. To substantiate this, the petitioner produced a cheque leaf (Annexure-3) issued in favour of "Surya Constructions." Verification of the trade license issued by the local authority, made available by the learned counsel for the petitioner, *prima facie* shows that the victim's mother is indeed the



proprietor of the said concern. Therefore, the existence of a financial transaction between the petitioner and the de facto complainant cannot be abruptly ruled out.

10. However, the genuineness of the documents produced by the petitioner and the question whether any financial transaction, as claimed by the petitioner, existed between him and the victim's mother can be conclusively decided only after a full-fledged trial. This Court cannot conduct a mini-trial to determine the genuineness of the documents pressed into service from the side of the petitioner while considering a bail application of this nature. Anyhow, the documents *prima facie* suggest the existence of a financial transaction between the petitioner and the de facto complainant, as claimed in the petition.

11. Conversely, as rightly argued by the learned counsel for the victim, it is generally improbable that a mother would level such grave allegations at the risk of her child's future merely for vengeance. The allegations involve penetrative sexual assault, specifically that the petitioner molested the victim and committed digital penetration.

12. However, the medical examination records indicate that the victim's hymen was found to be intact. While medical evidence of an intact hymen does not *per se* rule out penetrative sexual assault,



it is a factor that supports the accused's defence of innocence at this stage.

13. Anyhow, the petitioner was arrested on 29.10.2025, and since then, he has been in judicial custody. The investigation in this case is completed, and the final report has already been submitted before the jurisdictional court. Therefore, further judicial incarceration will not serve any purpose. Likewise, the concerns regarding the potential for the petitioner to repeat such activities can be effectively mitigated by imposing stringent conditions in this order.

Having regard to all the above aspects, I am inclined to grant bail to the petitioner on the following conditions:

- 1 Petitioner shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court.
- 2 The petitioner shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts of the case, including the victim, so as to dissuade them from disclosing such facts to the Court.
- 3 The petitioner shall not contact the victim either directly or indirectly or through any electronic media, and shall not enter the premises of the house where the victim resides.



- 4 The petitioner shall not enter the revenue district of Thrissur and Palakkad for six months from the date of this order without permission of the jurisdictional Court, except for the purpose of appearing on the posting dates of the case, in the court concerned.
- 5 Petitioner shall not leave India without permission of the jurisdictional Court.
- 6 Petitioner shall not commit any offence while on bail.

If the petitioner violates any of the above conditions, the investigating officer is at liberty to file an appropriate application for cancellation of bail before the jurisdictional court, and if such an application is filed, the jurisdictional court can pass appropriate orders irrespective of the fact that this order is passed by this Court. Needless to say, the observations made by this Court are only for the purpose of this bail application, and the trial court shall decide the case untrammelled by any of the observations made in this bail order.

Sd/-

**JOBIN SEBASTIAN
JUDGE**

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APPENDIX OF BAIL APPL. NO. 14542 OF 2025

PETITIONER ANNEXURES

Annexure 2 TRUE PHOTO COPY OF THE WEDDING INVITATION CARD OF THE PETITIONER'S MARRIAGE

Annexure 4 TRUE PHOTO COPY OF THE ORDER PASSED BY THE ADDITIONAL SESSIONS JUDGE-I (SPECIAL JUDGE), PALAKKAD IN CRIMINAL MISCELLANEOUS CASE NO. 5079/2025 DATED 19.11.2025

Annexure 5 ORDER DATED 05-12-2025 IN BAIL APPL.14128/2025 ON HIGH COURT