IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

MONDAY, THE 25TH DAY OF AUGUST 2025 / 3RD BHADRA, 1947

BAIL APPL. NO. 9593 OF 2025

CRIME NO.915/2025 OF TOWN NORTH POLICE STATION, PALAKKAD

PETITIONER:

MAHESH V.M
AGED 38 YEARS
S/O MANI V.V , VADAKKEMEKKODATH HOUSE ,
VIVEKANANDA LINE , VADOOKKARA P.O , THRISSUR ,
KERALA, PIN - 680007

BY ADVS.
SHRI.MUHAMMED ZAIN SHABEER P.P.
SHRI.SHIBU BABU

RESPONDENTS:

1 STATE OF KERALA
REPRESENTED BY, PIN - 682031.

2 STATION HOUSE OFFICER
TOWN NORTH ,BIG BAZAR,CITY POST, PALAKKAD , KERALA
SHOTOWNNPSPKD.POL@KERALA.GOV.IN, PIN - 678004.

SRI. PRASANTH M.P., PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25.08.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

2025:KER:64910

BECHU KURIAN THOMAS, J.

.....

B.A.No. 9593 of 2025

.....

Dated this the 25th day of August, 2025

ORDER

This bail application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS').

2. Petitioner is the accused in Crime No.915/2025 of Palakkad Town North Police Station, registered alleging offences punishable under Sections 64(2)(m) and 69 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

3. According to the prosecution, the accused had, from August 2016 till 24.07.2025, sexually assaulted the victim under the promise of marriage at various places and even lived with the victim, and thereby committed the offences alleged.

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 falsely arrayed as an accused and that he has no involvement in the alleged crime.

6. The learned Public Prosecutor opposed the bail application.

7. Petitioner is a Sub Inspector of Police, now serving in the Kerala Armed Police Battalion. The victim had married another person and is a mother of three children. In the year 2016, she is alleged to have been with the petitioner, and pursuant to a complaint by her husband, she was produced before the police station, where she refused to return and thereafter continued to live with the petitioner. Though the victim is allegedly separated from her husband, the marriage has not been dissolved by law. The investigation conducted so far has revealed that the victim had been living with the petitioner till July 2025. In the meantime, petitioner is alleged to have married another lady in January 2025 and even thereafter, he continued to live with the victim until July 2025. Though the allegations are serious, since the victim is already in a subsisting marriage, allegation of sexual intercourse on the basis of a false promise of marriage cannot legally exist, atleast prima facie.

8. In ***Sushila Aggarwal and Others v. State (NCT of Delhi) and Another***, *[2020 (5) SCC 1]*, it was held that while considering whether to grant anticipatory bail or not, Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case. Grant of anticipatory bail is a matter of discretion and the kind of conditions to be imposed or not to be imposed are all dependent on facts of each case, and subject to the discretion of the court.

9. In ***Ashok Kumar v. State of Union Territory Chandigarh*** *[2024 SCC OnLine SC 274]*, it has been held that a mere assertion on the part of the State while opposing the plea for anticipatory bail that custodial interrogation is required would not be sufficient and that the State would have to show or indicate more than prima facie case as to why custodial investigation of the accused is required for the purpose of investigation.

10. In the instant case, the prosecution has not been able to convince this Court that custodial interrogation is necessary. Having regard to the nature of allegations, I am of the view that custodial interrogation of the petitioner is not necessary. However he must subject himself to interrogation for the purpose of completing the investigation under a limited custody as observed in **Sushila Agarwal**'s case (supra).

11. Accordingly, this application is allowed on the following conditions:

> (a) Petitioner shall appear before the Investigating Officer on 08.09.2025 from 10:00 am to 05:00 pm and again on 09.09.2025 during the same time, which period shall be treated as limited custody.
>
> (b) If after interrogation, the Investigating Officer proposes to arrest the petitioner, then, he 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 before the Investigating Officer.

(c) Petitioner shall appear before the Investigating Officer as and when required and shall also co-operate with the investigation.

(d) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence or contact the victim or her family members.

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

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

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, 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

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APPENDIX OF BAIL APPL. 9593/2025

PETITIONER ANNEXURES

Annexure A1	TRUE COPY OF COMPLAINT ACKNOWLEDGEMENT ISSUED BY HILL PALACE POLICE STATION EKM TO THE PETITIONER FOR HONEY TRAP AND EXTORTION IN DATED ON 19.JULY.2025
Annexure A2	TRUE COPY OF COMPLAINT ACKNOWLEDGEMENT ISSUED BY SHO NORTH POLICE STATION PALAKKAD TO THE PETITIONER FOR HONEY TRAP AND EXTORTION, DATED ON 22.JULY.2025
Annexure A3	TRUE COPY OF THE COMPLAINT ACKNOWLEDGED COPY RECEIVED FROM SUPERINTENDENT OF POLICE , PALAKKAD , DATED ON 25.JULY.2025
Annexure A4	TRUE COPY OF THE E-FILED CMP IN JFMC-II PALAKKAD BY THE PETITIONER DATED ON 29.JULY.2025
Annexure A5	TRUE COPY OF THE E-FILED CMP 4384 OF 2025 IN CJM COURT PALAKKAD BY THE PETITIONER DATED ON 30.JULY .2025
Annexure A6	TRUE COPY OF AADHAAR OF THE DE FACTO COMPLAINANT WHICH SHOWS HER HUSBAND NAME SUDHEESH AS PROOF OF HER MARRIAGE
Annexure A7	TRUE COPY OF FIR NO. 915 OF 2025 BY TOWN NORTH POLICE STATION PALAKKAD DATED ON 1.AUG.2025
Annexure A8	TRUE COPY OF WHATSAPP CHAT SCREENSHOTS BETWEEN DE FACTO COMPLAINANT AND PETITIONER MAHESH DATED ON 01.AUG.2025
Annexure A9	TRUE COPY OF GOOGLE PAY TRANSACTION HISTORY BETWEEN DE FACTO COMPLAINANT AND PETITIONER MAHESH DATED ON 01.AUG.2025
Annexure A10	TRUE COPY OF SCREENSHOT CHAT OF WHICH DE FACTO COMPLAINANT MOTIVE TO GET MONEY DATED ON 01.AUG.2025
Annexure A11	TRUE COPY OF JUDGEMENT OF KERALA HIGH COURT IN KHC 2021 (1) PAGE NO 435 / 2020:KER:39077 ANILKUMAR VS. STATE OF KERALA AND OTHERS DATED ON 30.OCT.2020
Annexure A12	TRUE COPY OF JUDGEMENT OF KERALA HIGH COURT IN KLT 2022 (1) PAGE NO 19 / 2021:KER:52731 RANJITH VS. STATE OF

	KERALA DATED ON 15.DEC.2021
Annexure A13	TRUE COPY OF JUDGEMENT OF SUPREME COURT IN 2025 : INSC : PAGE NO 458 BISWAJYOTI CHATTERJEE VS. STATE OF WEST BENGAL & ANR DATED ON 07.APR.2025
Annexure A14	TRUE COPY OF JUDGEMENT OF SUPREME COURT IN 2025 : INSC : PAGE NO 782 AMOL BHAGWAN NEHUL VS. STATE OF MAHARASHTRA AND ANOTHER DATED ON 26.MAY.2025
Annexure A15	TRUE COPY OF JUDGEMENT OF SUPREME COURT IN 2024 : INSC : PAGE NO 879 PRASHANT VS STATE OF NCT OF DELHI DATED ON 20.NOV.2024
Annexure A16	TRUE COPY OF JUDGEMENT OF KERALA HIGH COURT BY HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS IN 2025:KER:48012 (BAIL APPL. NO. 7916 OF 2025) XXX V. STATE OF KERALA AND ANR DATED ON 02.JUL.2025
Annexure A17	TRUE COPY OF JUDGEMENT OF KERALA HIGH COURT BY HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS IN 2025:KER:45498 (BAIL APPL. NO. 7200 OF 2025) SAMEER IBRAHIM VS. STATE OF KERALA AND ANR DATED ON 24.JUN.2025
Annexure A18	TRUE COPY OF JUDGEMENT OF KERALA HIGH COURT IN 2022 : KER : 30740 AFSAL P VS. STATE OF KERALA & ANR 22.JUN.2022
Annexure A19	TRUE COPY OF JUDGEMENT OF SUPREME COURT IN 2025 SCC ONLINE SC 696 / SLP(CRL.)NO.12663/2022 PRITHIVIRAJAN VS. STATE DATED ON 20.JAN.2025
Annexure A20	TRUE COPY OF JUDGEMENT OF SUPREME COURT IN 2025 LIVELAW (SC) 765 / SLP(CRL.)NO. 7004/2025 KUNAL CHATTERJEE VS. THE STATE OF WEST BENGAL & ORS DATED ON 29.JUL.2025
Annexure A21	TRUE COPY OF WHATSAPP CHAT BETWEEN THE PETITIONER AND THE DEFCTO COMPLAINANT ON 22-AUG-2025.
Annexure A22	TRUE COPY OF THE INSTAGRAM POSTS FROM THE DEFACTO COMPLAINANT'S INSTAGRAM ACCOUNT DATED ON 23-AUG-2025.