



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

WEDNESDAY, THE 8TH DAY OF OCTOBER 2025 / 16TH ASWINA, 1947

BAIL APPL. NO. 9032 OF 2025

CRIME NO.82/2025 OF CHOTTANIKKARA POLICE STATION, Ernakulam

PETITIONER/ACCUSED:

ANOOP K.M
AGED 26 YEARS, S/O. MANI,
KUZHIPURATHU HOUSE,
MITTAYIKUNNAM P.O., VADAYAR,
KOTTAYAM DISTRICT, PIN - 686605

BY ADVS.
SRI.NAVANEETH.N.NATH
SMT.ABHIRAMI S.
SHRI.ABDUL LATHEEF P.M.

RESPONDENT/STATE:

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

BY SRI. NOUSHAD K.A., PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
23.09.2025, THE COURT ON 08.10.2025 PASSED THE FOLLOWING:



BECHU KURIAN THOMAS, J.

B.A. No.9032 of 2022

Dated this the 8th day of October, 2025

ORDER

Petitioner seeks regular bail under section 483 of the Bharathiya Nagarik Suraksha Sanhitha, 2023.

2. Petitioner is the accused in Crime No. 82 of 2025 of Chottanikkara Police Station, registered alleging offences punishable under sections 333, 76, 64, 105 and 115(2) of the Bharatiya Nyaya Sanhita, 2023. The case is now stated to be pending in committal proceedings as C.P No. 06/2025 before the Judicial First Class Magistrates Court, Chottanikkara.

3. The prosecution alleges that the accused had, on 25.01.2025, trespassed into the house of the 19 year old daughter of the defacto complainant and due to an animosity against the victim for maintaining relationships with other men, outraged her modesty by disrobing her and after sexually abusing her, attempted to commit penetrative sexual assault. When the victim resisted the attempts, the accused assaulted her with the handle of a hammer on various parts of her body and due to the mental trauma and agony, the victim attempted to commit suicide by hanging herself. On noticing the victim hanging, the accused cut the rope and brought her down and when the survivor started shouting, the accused smothered her with the knowledge that the said act would result in her death. Thereafter, the accused refrained



from providing any medical treatment to the victim who had fallen unconscious by then and subsequently the victim succumbed to the injuries and thus committed the offences alleged. Petitioner was arrested on 29-01-2025 and he has been in custody since then.

4. Sri. Navaneeth N. Nath, the learned counsel for the petitioner submitted that the entire prosecution allegations are false and the petitioner has been roped in as an accused without any basis. The learned counsel submitted that the petitioner and the victim were in a romantic relationship and that they had been living together. According to the learned counsel, the victim was a sensitive person and had a learning disability and had even undergone severe emotional fluctuations which displayed traits of self harm and impulsive outbursts. It was submitted that, the incident was not the result of any criminal intent, but arose from a minor dispute when petitioner confronted the victim about her relationship with a third person. The learned counsel also submitted that the medical report clearly indicates absence of any recent forced penetration or injury on the victim's private parts, which clearly rules out any sexual assault and also that the injuries noted on the body of the victim were not indicative of any homicidal violence or even sexual aggression and they were all self inflicted injuries or those that were caused due to the fall when the petitioner tried to save her from death due to the attempted suicide. Even otherwise the learned counsel submitted that the petitioner is a youngster and he has already been in custody for the last more than 9 months and hence he ought to be released on bail.

5. Sri. K.A. Noushad, the learned Public Prosecutor on the other hand



contended that the allegations are serious in nature and the petitioner has committed a serious crime and he ought not to be released on bail. The learned Public Prosecutor further submitted that the accused had attempted to indulge in penetrative sexual intercourse with the victim and when she resisted, petitioner attacked her with the handle of a hammer and she sustained severe trauma and thereafter she attempted to hang herself. On noticing the victim hanging from the ceiling, petitioner brought her down and thereafter smothered her with his hands and left the place after she became unconscious, without even taking her to a hospital which indicates his intention to commit murder. The learned Public Prosecutor also submitted that the victim had suffered brain death and the hammer has also been recovered pursuant to the statement of the accused and thus the investigation has clearly identified the role of the petitioner. According to the learned Prosecutor, the materials collected during investigation are sufficient to point towards the guilt of the accused and considering the gravity of the offences alleged, petitioner ought not to be released on bail, as there is every chance that he will abscond and even threaten and influence the witnesses.

6. I have considered the rival contentions and have also perused the case diary.

7. The victim and the petitioner were apparently in a romantic relationship. The victim was only 19 years old at the time of the incident, while the petitioner is a 25 year old youngster. The prosecution case itself indicates that on the ill fated night, i.e; between 25-01-2025 and 26-01-2025, the



petitioner went to the house of the victim and questioned her over her relationship with other persons and a fight ensued. Though the prosecution alleges that there was an attempt to outrage the modesty of the victim and an attempt to indulge in forced penetrative sexual intercourse, the medical report does not indicate any such sexual assault. However, the postmortem report does indicate that there were 21 antemortem injuries. Of the said injuries, it can be seen that 12 of them are minor abrasions while one injury (injury No.10) is a pressure abrasion on the neck which is stated to have been possibly caused by the assault with the hammer. A reading of the nature of injury No. 10 in the postmortem report prima facie indicates a pressure abrasion possibly caused due to the ligature while the victim attempted suicide.

8. The opinion as to the cause of death is suggestive of hanging and it is also noted in the postmortem report that there were blunt force injuries which were non-accidental in nature. The doctor who conducted the postmortem has given a statement that the cause of death is on account of hanging and the subsequent smothering by the accused resulting in brain death and the failure to provide immediate medical care to save the victim. As noted earlier, there was no evidence of any forced penetrative sexual assault and though some bleeding was found from the vagina of the victim, on examination it was identified as menstrual blood. The inquest report indicates various marks of injuries which are prima facie self inflicted. Viewed in the light of the above circumstances and considering the prosecution case that the accused after



bringing the victim down from the hanging position smothered her and waited until she died indicates that the accused had behaved cruelly and did not provide her with any medical help.

9. Notwithstanding the above mentioned behaviour of the accused, the question to be considered by this Court is whether the petitioner should be denied his liberty any further. In **State v. Captain Jagjit Singh** AIR 1962 SC 253 and in **Gurcharan Singh and Others v. State (Delhi Administration)** [1978 (1) SCC 118] the Supreme Court had laid down the basic considerations which must weigh with the Court while granting bail in non-bailable offences as including the nature and seriousness of the offence; the character of the evidence; circumstances which are peculiar to the accused; a reasonable possibility of the presence of the accused not being secured at the trial; reasonable apprehension of witnesses being tampered with; the larger interest of the public or the State and other similar factors which may be relevant in the facts and circumstances of the case. This Court has to bear in mind the above legal propositions as well as the factual situation arising in the case while considering this bail application.

10. Petitioner has been in custody since 29.01.2025 and more than 250 days have elapsed since his custody commenced. Various factors will have to be considered by the court while considering an application for the grant of bail. In the instant case, the petitioner is a youngster and is 25 years in age and was in a relationship with the victim. There are no serious criminal antecedents pointed out as existing against him. Though there are five crimes



alleged against the petitioner, none of them involve any serious offences. The investigation has been completed and the final report was filed as early as on 31-03-2025.

11. The medical report of the victim does not indicate any recent sexual assault. In fact, prima facie, there seems to be no material to even suggest any sexual assault on the victim. There were no injuries seen on the private parts of the victim as well. The case is of the year 2025 and there is no possibility of an immediate trial. The prosecution case itself indicates that when the victim was found hanging, the accused cut the rope and brought her down and thereafter smothered her causing brain death. However, it is puzzling as to why, if there was any intention to cause death, the accused would have cut the rope and brought her down and thereafter smother her. Further, most of the antemortem injuries are only abrasions with main injury caused primarily and possibly due to the ligature around the neck. Of course those are matters to be decided at the stage of trial.

12. Though the allegations against the petitioner are serious, still considering the young age of the petitioner, the possibility of commencing the trial immediately being very remote, the opinion in the post mortem report and the report of the medical expert, apart from the period of custody already undergone by the petitioner and the fact that the final report has already been filed, all compel this Court to conclude that further detention of the petitioner is not necessary and he can be enlarged on bail on strict conditions.

Accordingly this bail 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 co-operate with the trial of the case.
- (c) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he attempt to tamper with the evidence.
- (d) Petitioner shall not commit any similar offences while he is on bail.
- (e) Petitioner shall not leave the State of Kerala without the permission of the jurisdictional Court.

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 law, notwithstanding the bail having been granted by this Court.

Needless to mention that the observations made in this Order are solely for disposing of this bail application and they shall have no bearing at any further stage of the trial.

Sd/-

**BECHU KURIAN THOMAS
JUDGE**

vps



APPENDIX OF BAIL APPL. 9032/2025

PETITIONER'S/S' ANNEXURES

Annexure-A	A TRUE COPY OF THE FINAL REPORT DATED 30/03/2025 IN CRIME NO. 82/2025 OF CHOTTANIKKARA POLICE STATION
Annexure-B	A TRUE COPY OF THE ORDER DATED 21/06/2025 IN CRL M.C NO.1636/2025 OF HON'BLE SESSIONS COURT, ERNAKULAM
Annexure-C	A TRUE COPY OF THE BAIL ORDER DATED 04/07/2025 IN SHAHINA V. STATE OF KERALA, IN 2025 KHC 706: 2025 KER 4886, IN B. APPL. NO. 6366, 6621 OF 2025