

IN THE COURT OF THE SESSIONS JUDGE,
THIRUVANANTHAPURAM
PRESENT : SMT. NAZEERA.S, SESSIONS JUDGE

On Wednesday, 10th day of December 2025/ 13th day of Agrahayana, 1947.

Criminal M.C.No. 3669/2025
(Crime No. 4156/CB/TVM/D/2025 of Crime Branch Police Station)

Petitioner /Accused :-

Rahul B R aged 36 years
S/o. Rajendra Kurup, Attuvilakathu Veedu,
Mundapalli, Parakootam P.O, Pathanamthitta.

**By Advocates:- Sasthamangalam S Ajithkumar (Senior)
and Sekhar G Thampi**

Counter Petitioner/ Respondent :-

State of Kerala represented by the
Deputy Superintendent of Police Crime Branch

By Public Prosecutor Dr. T. Geenakumari

This Criminal M.C. coming on for hearing on 08.12.2025 and the court on 10.12.2025 passed the following :

ORDER

This is an application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, seeking pre-arrest bail.

2. The petitioner is alleged to have committed an offence punishable under Section 376 of the Indian Penal Code, and Crime No. 4156/CB/TVM/D/2025 of Crime Branch Police Station is registered against the petitioner arraying him as the sole accused.

3. *The prosecution allegation in brief is as follows:-* During 2023, the accused collected the telegram number of the victim/survivor and by using the same he contacted the victim and made false promise to the victim that he will marry her, and thereafter, on a vacation, while she was traveling home, the accused under the guise of discussing future plans, insisted to meet the victim privately and thereafter took the victim to an isolated home stay like building in a car which was driven by the friend of the accused, and thereafter, without the consent of the victim and despite her resistance, the accused brutally assaulted the victim and committed rape upon her, causing injuries to several parts of her body.

4. Notice in this bail application is issued to the Public Prosecutor. The Investigating Officer filed report opposing the anticipatory bail application.

5. Heard. Perused the records.

6. The only point to be considered is, whether an order of anticipatory bail can be granted to the petitioner/ accused.

7. **The Point:-** The petitioner is the Member of the Kerala Legislative Assembly, representing Palakkad Constituency. The victim/survivor is a student, who is studying outside Kerala. The case against the petitioner is initiated on the basis of a complaint given by the victim /

survivor by way of an e-mail sent to the President of Kerala Pradesh Congress Committee. It is alleged in the said complaint that the petitioner committed rape on her by taking her to an isolated home stay like building, which is located several kilometers away from the City. As per the complaint, the petitioner developed a relationship with the victim / survivor through Instagram and later through Telegram, and proposed to marry her and under the pretext of talking on their future plans, before visiting her family with the proposal of marriage, the petitioner had taken her to a home stay like building and forcefully had sexual intercourse with her.

8. The petitioner submitted the following:-

There is a delay of two years in reporting the offence and even now, the victim has not made any complaint to any law enforcing authorities. If the allegation made against the petitioner is genuine, the victim has the opportunity to approach the police rather than reaching out to the President of the Kerala Pradesh Congress Committee. It is further submitted that the e-mail does not provide any details regarding the victim, nor does it mention the date and place of the incident, and there is no indication whether the victim is female. In Bail Application No. 14427/2025, the Hon'ble High Court of Kerala stayed the arrest of the petitioner, who is arrayed as the 1st accused in another crime registered by the Nemom Police. The victim is

residing outside the State of Kerala and she has every opportunity to approach the police through online, but nothing has been done as of now. The entire allegation against the petitioner is false and there is absolutely no whisper of evidence to prove the alleged offences against the petitioner.

9. The magnitude of the offence alleged against the petitioner is grave. However, it is relevant to note that the complaint given by the victim/survivor to the President, Kerala Pradesh Congress Committee, is dated 02.12.2025 whereas the alleged incident relates back to September 2023. As reported, after the complaint given by way of e-mail, the same was forwarded to the State Police Chief, Kerala, for necessary action. The First Information Report is seen registered on 03.12.2025 at 18:02 hours. It is seen from the First Information Report that the State Police Chief forwarded the petition with the direction for taking legal action to Additional Director General of Police, State Crime Branch, who in turn forwarded the e-mail petition to the Station House Officer, Crime Branch Police Station with the direction to register the case. Along with the report of the Investigating Officer, the copy of the First Information Report and the statement of the victim / survivor recorded by the Sub Inspector of Police in the presence of Assistant Inspector General of Police in the Special Investigation Team, is produced. It is seen recorded on 07.12.2025 at 12:00 hours. So there is

considerable delay in giving the complaint and setting the law in motion. It is stated in the complaint that the survivor was unable to come forward publically on fear of her privacy being violated and her future being deliberately tarnished. However, in the statement given by the victim to the Police, it is stated that, she had not given a complaint as she was under a belief that the petitioner would marry her. The survivor further states that, after March 2025, the petitioner had not attended her call and neither did he send messages and that she was afraid of his influence and there is a fear of harassment from his part. It is true that courts cannot overlook the fact that in sexual offences delay in lodging the First Information Report can be due to variety of reasons particularly the reluctance of the prosecutrix to go to police and complain about the incident which concerns the reputation of the prosecutrix and the honor of her family (reliance placed on ***State of Punjab v. Gurmit Singh and Others (1996 ICO 2283)***). However, in this case, different versions are given for not giving a complaint and the length of delay runs to almost two years. Further, it is noteworthy that the complaint of the victim initially is addressed to the President, Kerala Pradesh Congress Committee, and not to the Police. The request in the complaint is to the Congress leadership to prevent the petitioner / accused from holding any role involving public engagement especially with women and children. The earlier allegation

against the petitioner in connection with sexual abuse and forced abortion as against another victim is also mentioned in the complaint. Considering all these aspects, and the undue delay, forced this court to take a skeptical view in the allegations against the petitioner.

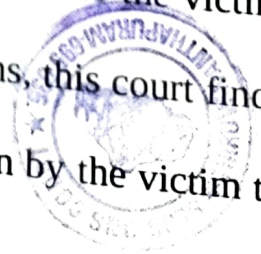
10. The allegation against the petitioner is one under Section 376 of the Indian Penal Code alone. The learned Public Prosecutor made it clear that the allegation against the petitioner is rape and not allegation of sexual intercourse by deception. Now, it is to be looked into whether there is ingredients to constitute the offence alleged even if the allegation as a whole is considered. The learned counsel for the petitioner invited this Court's attention to each and every line of the complaint and the statement of the survivor and submitted that even if it is considered for the moment as a whole, it would only reveal that the victim / survivor went along with the petitioner voluntarily to discuss their future plans, and even after a brutal attack of sexual violence, the victim had asked the petitioner to re-affirm his commitment to marriage. Apparently, there is allegation of forceful sexual intercourse resulting in severe panic attack and it is stated that the victim struggled to breath and had to take her prescribed medication, when he continued the assault which cause intense physical pain and several cuts and injuries on the body of the survivor. What is perceived from the

complaint is that the petitioner steadily expressed that he had no intention of marrying anyone including the survivor at the moment when she asked him to re-affirm his commitment to marriage. However, in the statement given to the Police, the version is different and it is stated that the topic of marriage proposal was deferred to be talked at some other point of time. It is seen from the statement given by the survivor that even after the alleged incident, there was contacts between the two through Telegram and phone calls. It is equally seen from the statement of the victim that even after the alleged incident, the petitioner had expressed his love and proposal for marriage. In the complaint, it is stated that after reaching home, the survivor had to take medication for the bruises inflicted by the petitioner. But in the statement given to the Police, it is stated that she had not availed treatment thinking that her family would know the same. Along with the report filed by the Investigating Officer, the printout of the screenshot of chat between the petitioner and the victim is produced. In that, some of the chats are masked. A perusal of the same prima facie shows that there are contacts between the petitioner and the victim even after the alleged incident and there is conversation regarding the nature of relationship like a love relationship or a non-committed relationship.

There is nothing in the records produced by the prosecution which shows the allegation against the petitioner. Considering the background of the case as

put in by the prosecution, it appears that there is no prima facie material to show the alleged offence. Whether the alleged sexual intercourse was without the consent or against the will of the survivor is a matter of evidence. The role of the petitioner in the alleged offence can only be determined on merits. It would be a travesty of justice, if the petitioner is implicated in this crime without prima facie material.

11. The learned counsel for the petitioner vehemently argued that this is a false, frivolous and politically motivated case. To buttress his argument, it is submitted that the victim chose to approach the President, Kerala Pradesh Congress Committee instead of filing a complaint to the police. It is further pointed out by the learned counsel for the petitioner that the victim has in fact no intention to initiate criminal action against the petitioner and it is clear from her conduct of refraining herself from giving a police complaint. It is further submitted by the petitioner's counsel that, in the statement given by the victim, initially it is stated that she is not interested to proceed with the case being afraid and later it is seen scored off. The learned Public Prosecutor submitted in this regard that the allegation being a non bailable and cognizable offence, it is the duty of the State to give protection to the victim to initiate criminal proceedings. With these rival contentions, this court finds it appropriate to note that even in the initial complaint given by the victim to



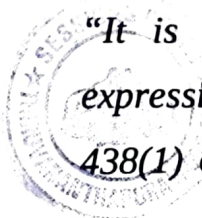
the President, Kerala Pradesh Congress Committee, it is stated that the Crime Branch already possessed her details which appears to be suspicious as to how the police carry the details of the victim even when she had not chosen to file a complaint to the police. Apparently, the statement of the victim is taken by the police only after registering the First Information Report. With this background, the chance of the complaint being filed under pressure cannot be ruled out.

12. It is held by the Hon'ble Apex Court in ***Gurbaksh Singh Sibbia and others v. State of Punjab (1980 ICO 177)*** as follows:-

“In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made.”

13. In ***Bhadresh Bipin Bhai Sheth v. State of Gujarat and Another (2015 ICO 1467)***, the Hon'ble Apex Court had widely discussed the scope of anticipatory bail where very serious offences are alleged. It is held in this decision as follows:-

“It is pertinent to note that while interpreting the expression “may, if it thinks fit” occurring in Section 438(1) of the Code, the Court pointed out that it gives



discretion to the Court to exercise the power in a particular case or not, and once such a discretion is there merely because the accused is charged with a serious offence may not by itself be the reason to refuse the grant of anticipatory bail if the circumstances are otherwise justified. At the same time, it is also the obligation of the applicant to make out a case for grant of anticipatory bail. But that would not mean that he has to make out a "special case".

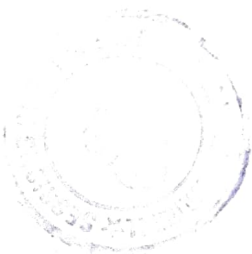
14. It is settled in law that while considering the prayer for granting of anticipatory bail, a balance has to be struck between two factors namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused. Relying upon these legal propositions, this court is of the view that in the absence of any prima facie material which link the accused to the offence alleged and considering the long delay and other facts and circumstances of the case, this is a fit case where pre-arrest bail can be granted to the petitioner.

15. In view of my discussion above, it appears that there is no impediment in granting a pre-arrest bail to the petitioner.



In the result, the petition is allowed on the following conditions:-

- (1) In the event of arrest, the petitioner (accused) shall be released on bail on his executing bond for Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties for the like sum each to the satisfaction of the arresting officer/Investigating Officer, as the case may be.
- (2) The petitioner shall appear before the Investigating Officer between 10 a.m. and 11 a.m. on Mondays once in two weeks for a period of 3 (three) months or till the filing of the final report, whichever is earlier.
- (3) The petitioner shall also appear before the Investigating Officer as and when required.
- (4) The petitioner shall not commit any offence while on bail.
- (5) The petitioner shall not attempt to contact the defacto complainant or any of the prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or intimidate or influence any witnesses or other persons related to the investigation.
- (6) Even when the petitioner is on anticipatory bail, the petitioner will be deemed to be in custody for the purpose of effecting any recovery, etc., as held by the Hon'ble Supreme Court in ***Sushila Agarwal and Others v. State (2020 ICO 108)***.



In case of any violation of the above conditions or misuse of liberty, the prosecution or the defacto complainant is at liberty to approach the jurisdictional court for cancellation of bail.

(Dictated to the Confidential Assistant, transcribed and typed by him, corrected and pronounced by me in Open Court on this the 10th day of December 2025)

Sd/-
NAZEERA S.
SESSIONS JUDGE

Copies : 4)

Typed by : Manjusha ✓

Compared by : Anupama ✓

F.C.S: ✓

True copy

By Order

B. S. S.
SHERISTADAR

for

