

**IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE-XI,
THIRUVANANTHAPURAM**

Present: Smt. Susan Sonnet
Special Court of Judicial Magistrate of the First Class, for the Trial of
Cases u/s.138 of NI Act, 1881, Thiruvananthapuram.
(In charge of Judicial I Class Magistrate – XI, Thiruvananthapuram)

Monday, 19th day of May, 2025 /29th Vaisakha, 1947

CMP. 919/2025 in Crime No 591/2025 of Vanchiyoore Police Station

Petitioner/ accused	:	Beylin Das, aged 47 years, S/o. Yesudas, residing in a rented house at Kottappuram Veedu, Kottappuram Road, Ambalathara Ward, Manacaud Village from Kunchu Veedu Purayidam, near Vizhinjam Police Station, Vizhinjam Ward, Vizhinjam Village.
		<i>(Rep. by Adv. Sri. Dileep Sathyan S.)</i>
Counter Petitioner	:	The State of Kerala represented by the Sub Inspector of Police, Vanchiyoore Police Station.
		<i>(Rep. by Smt. Lakshmi R., Assistant Public Prosecutor)</i>
Offence	:	Punishable under sections 126(2), 74, 115(2) and 117(1) of Bharatiya Nyaya Sanhita, 2023
Sentence or Order	:	Bail application is allowed

This CMP having been heard on 17.05.2025, and the Court today, passed the following:

ORDER

This bail application is filed u/s. 480 of Bharatiya Nagrik Suraksha Sanhita. by the petitioner/accused in Crime No.591/2025 of Vanchiyoore Police Station, alleging offences punishable under sections 126(2), 74, 115(2) and 117(1) of Bharatiya Nyaya Sanhita.

2. The prosecution case in brief is as follows:- The informant, who is a junior advocate practicing under the accused, who is a senior advocate, asked him to warn a colleague and the accused refused the same. Hence, the informant

herself warned her colleague in front of the accused. Due to this enmity, the accused at 12.30 hrs on 13.05.2025 inside the Advocate office of the accused situated in Maharani Building opposite to Triveni Hospital, Vanchiyoor, voluntarily caused grievous hurt to the informant by slapping her left cheek. The informant fell down due to the hit and when she stood up, the accused wrongfully restrained the informant by holding her right hand and again forcefully slapped her left cheek. The accused thereby outraged the modesty of the informant. Due to the said act, the informant sustained rashes and swelling on her left cheek. Thus the accused has committed the offence punishable under sections 126(2), 74, 115(2) and 117(1) of Bharatiya Nyaya Sanhita.

3. The petitioner /accused was arrested and produced before this court on 16.05.2025 and he has been remanded to judicial custody since then.

4. The copy of bail application was served to the learned APP. Report filed.

5. Heard both sides. The learned APP opposed the application and submitted that since the witnesses involved are the employees and advocates of the office of the accused, there is a possibility of accused intimidating and influencing the witnesses. Further, it is stated in the report that since the accused intends to give statement u/s.183 of BNSS and it has not been recorded yet, there is a possibility of accused influencing the victim. The learned counsel for the petitioner/accused submitted that there is no material to attract offence u/s.74 of BNS, 2023, which is the only non-bailable offence alleged against the accused. Further, it is submitted that custodial interrogation is not necessary and there is nothing to recover from the possession of the accused and accused is ready to co-operate with the investigation. Hence, bail may be granted to him.

6. I have perused the records. On perusal of the prosecution records, it could be seen that the offences alleged against the petitioner/accused are offences punishable under sections 126(2), 74, 115(2) and 117(1) of Bharatiya Nyaya Sanhita. No custody application is filed by the police. Recovery is not needed in this case. As per the report filed by the investigating officer, Scene Mahazar has been prepared. The petitioner/accused is shown to have no criminal antecedents. Among the offences alleged against the petitioner/accused, the offences punishable under sections 126(2), 115(2) and 117(1) of Bharatiya Nyaya Sanhita are bailable offences. The only non-bailable offence among the offences alleged is offence punishable under section 74 of Bharatiya Nyaya Sanhita. The allegation constituting offence punishable under section 74 of BNS is to be established by the oral testimony of the eye witnesses. The fact as to whether it constitute an assault or an act which was done with the intention of outraging the modesty of the victim, is a matter to be considered on the basis of evidence and the attending circumstances, for which a custodial interrogation or further detention of accused is not necessary. As stated above, no custody application is filed by the police and no recovery is needed in this case. Thus, further detention of the petitioner/accused is not necessary for completing the investigation. No purpose would be served by retaining the petitioner/accused in judicial custody. Other aspects in the investigation process can be done even when the petitioner/accused is on bail. One of the main apprehension of the investigating officer is that the petitioner/accused might intimidate and influence the victim and witnesses, who are the employees and advocates of the office of the petitioner/accused. The apprehension raised by the investigating officer can be safeguarded and set right by imposing conditions. Considering all these facts,

the petition can be allowed on stringent conditions.

7. In the result, the bail application is allowed on the following stringent conditions:-

1. The petitioner/ accused shall execute a bond for Rs.50,000/- with two solvent sureties each for the like sum.
2. Petitioner/ accused shall appear before the the Investigating Officer as and when called for the purpose of investigation.
3. The petitioner/accused shall not enter into the limits of Vanchiyoore Police Station other than for the purpose of investigation as and when directed by the investigating officer, for a period of two months or till filing of the final report in this case, whichever is earlier.
4. The petitioner/ accused shall not make any attempt to contact the victim, directly or through any other person during the investigation.
5. The petitioner/ accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or police officer or tamper with the evidence.
6. Petitioner/ accused shall not abscond or involve in any other similar offences while on bail.
7. If any of the conditions are violated, the bail granted hereby will be canceled.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and revised by me and pronounced in open court on 19th day of May, 2025.)

Sd/-
Judicial First Class Magistrate-XI
Thiruvananthapuram (I/C)

//True Copy//

Judicial First Class Magistrate-XI
Thiruvananthapuram (I/C)