

IN THE COURT OF THE SESSIONS JUDGE,
THIRUVANANTHAPURAM
PRESENT : SMT. NAZEERA. S, SESSIONS JUDGE
Saturday, 18th day of October, 2025 / 26th day of Aswina, 1947
CRIMINAL M.C. No.3015/2025
(Crime No. 2077/2025 of Neyyattinkara Police Station)

Petitioner/Accused :-

Jose Franklin J, aged 52 years,
S/o Justus, Jose Nivas, Nakkodu,
Perumpazhuthoor P.O, Neyyattinkara 695126

By Advocates :-S. Pramod, Pramod Kumar G.S and Pradeep N.R

Respondents:-

1. State of Kerala
2. Station House Officer, Neyyattinkara Police Station

By Public Prosecutor Dr. T. Geenakumary

This petition is came up for hearing on 17/10/2025 and the Court on 18/10/2025 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 the offences punishable under Sections 74, 75(2)(i)(ii), 62 r/w Section 64, 78 and 108 of the Bharatiya Nyaya Sanhita, and Crime No. 2077/2025 of Neyyattinkara Police Station is registered against the petitioner arraying him as the sole accused.

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3. *The prosecution allegation in brief is as follows:-* The accused, with an intention to sexually exploit the mother of the defacto complainant, arranged loans for her to settle her financial obligations. She recently opened a bakery at Muttakkad Junction and the accused made her believe that she would get subsidy from the Municipality under self-employment scheme for her bakery business and thereafter, she submitted the bills for the goods purchased by her for her bakery business before the Neyyattinkara Municipality. Thereafter, the accused demanded more bills and asked her to bring the bills to his office at Thozheekkal. Accordingly, on 24.09.2025 at about 1 p.m., when she reached the office, the accused caught hold of her, made sexual overtures towards her and attempted to commit rape upon her. Thereafter, he frequently contacted her and demanded sexual favours from her. At last, due to the continuous harassment from the part of the accused, on 08.10.2025 at about 5.30 a.m., she poured kerosene over her body and committed self immolation. She was immediately taken to the Medical College Hospital, Thiruvananthapuram, but she died on the same day at 10.30 a.m., due to the gravity of the burn injuries sustained by her.

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.

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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 accused is the Councilor representing Muttakkad Ward of Neyyattinkara Municipality. He is also elected as the Standing Committee Chairman of the Health Committee, Neyyattinkara Municipality. The defacto complainant is the son of the deceased. It is alleged that, the petitioner/ accused after promising to arrange subsidized loan to the deceased, made sexual harassment towards her and attempted to commit rape upon her, and due to the mental agony suffered, she committed suicide by self immolation, after preparing a suicide note.

8. The petitioner submitted the following:-

The petitioner is the Opposition Leader and Health Standing Committee Chairman of Neyyattinkara Municipality. He is running an NGO namely NARD, which is organized for uplifting the physically handicapped children in Kerala. He is the President of Neyyattinkara *Ksheera Karshaka Sahakarana Sangham*, which is established under the Co-operative Societies Act, providing financial aid for the farmers in the locality. Deceased had availed loan from the Society wherein the petitioner was the President. The deceased also

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applied financial assistance under the Small Scale Industries loan scheme from the Municipality and contacted the petitioner to enquire about the status of the loan. But the Municipality recently stopped the issuance of said loan and the matter was intimated to her. But she contacted the petitioner and insisted him to arrange fund. There are many political enemies to the petitioner. The deceased has not made any complaint against the petitioner during her life time. The present case is falsely foisted against him with an intention to tarnish his reputation and the so called suicide note was forged by the enemies of the petitioner and handed over to the Police.

9. There is serious allegation as against the petitioner. However, it is relevant to note that on the death of the mother of the defacto complainant, a case was registered under Section 194 of the Bharathiya Nagarik Suraksha Sanhita, for unnatural death. Going by the First Information Statement given by the defacto complainant, it is seen that his mother died out of the burn injuries sustained by her out of gas explosion. There is no specific allegation as against anybody in the First Information Statement. It is seen from the report filed by the Investigating Officer that, during the investigation, at the time of examination of the scene of occurrence, a suicide note was produced by the Scientific Officer and it was seized and on the basis of the suicide note, the petitioner was implicated as an accused.



The copy of the suicide note was produced by the Public Prosecutor. It is seen that, thereafter, the Investigating Officer has filed a report to delete Section 194 of BNSS and to add Sections 74, 75(2)(i)(ii), 62 r/w Section 64, 78 and 108 of BNS as against the petitioner / accused. Allegedly, under the pretext of arranging a loan and a subsidy for self employment, the petitioner had attempted to sexually assault the deceased. Apparently, there is no complaint filed by the deceased as against the petitioner alleging sexual assault. There is no prima facie material to show the sexual allegation against the petitioner apart from the suicide note. A perusal of the suicide note would go to show that there was a direction to the defacto complainant to blackmail the petitioner on the basis of the suicide note. The acceptability of the suicide note is a matter of evidence. The role of the petitioner in the offence alleged can only be decided on merits. According to the petitioner, he had connection with the deceased only in connection with the sanction of financial aid from the Government under the Small Scale Industries loan. It is submitted by the petitioner's counsel that in spite of making necessary arrangements for the loan, it was not materialized as the Municipality stalled the issuance of loan and the deceased sought for financial help from the petitioner. Apparently the deceased person was facing financial struggle. Whether the petitioner has abetted the commission of suicide by the deceased can only be

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decided on merits. It would be a travesty of justice if the petitioner is put behind the bars if actually no offence as alleged was committed by him. It is reported that the petitioner is involved in six other crimes. But considering all the other afore aspects, it is found that this is a fit case where a pre-arrest bail can be granted 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) Petitioner shall appear before the Investigating Officer between 10 a.m. and 11 a.m. on every Wednesday for a period of 3 (three) months or till the filing of the final report, whichever is earlier.
- (3) Petitioner shall also appear before the Investigating Officer as and when required.
- (4) Petitioner shall not commit any offence while on bail.
- (5) 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 influence any witnesses or other persons related to the investigation.

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 18th day of October, 2025)

(Copies : 4)
Typed by: Soumya
Compared by: Manjusha FCS : ✓

Sd/-
NAZEERA S.
SESSIONS JUDGE
(By Order)

Randy
SHERISTADAR

