



2025:KER:92277

B.A.No.13422 of 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

SATURDAY, THE 29TH DAY OF NOVEMBER 2025 / 8TH AGRAHAYANA,

1947

BAIL APPL. NO. 13422 OF 2025

CRIME NO.749/2025 OF Ernakulam South Police Station,
Ernakulam

PETITIONER/ACCUSED:

DHINIL BABU,
AGED 44 YEARS,
S/O C V BABU, PATHUVA HOUSE, MUNDAMVELI
ERANKULAM, PIN - 682507

BY ADVS.
SRI.C.J.VARGHESE VINU
SHRI.ANAS T.K.
SMT.SANDHYA R.NAIR
SHRI.SHARON D. PANACKAL
SHRI.VISHNU PRADEEP

RESPONDENTS/COMPLAINANT AND VICTIM:

- 1 STATE OF KERALA,
1. STATE OF KERALA REP. SHO OF POLICE,
ERNAKULAM TOWN SOUTH POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
PIN - 682031
- 2 XXXXXXXXXX



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ADV
SRI.M C ASHI, SR PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29.11.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**ORDER**

This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.

2. The applicant is the accused in Crime No.749/2025 of Ernakulam Town Police Station. The offences alleged are punishable under Sections 74, 75(1) and 126(2) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'the BNS').

3. The prosecution case, in short, is that with the intention to outrage the modesty of the defacto complainant and to have physical relationship with her, on 11.10.2025 at about 07.00 p.m. the applicant invited her to Fore Castle Building, where Way Farer Films Private Limited Production Company Office is situated. Under the pretext that the applicant has to discuss about the movie of Dulquer Salman, she was taken to room No. 304, he restrained her, caught hold of her breast and outraged her modesty. Thus, the applicant has committed the above mentioned offences.

4. I have heard Sri.C.J.Varghese Vinu, the learned counsel for the applicant and Sri.M.C. Ashi, the learned Senior Public Prosecutor. Perused the case diary.

5. The learned counsel for the applicant submitted



that the applicant is innocent and has been falsely implicated in the present case. The counsel further submitted that no materials are on record to connect the applicant with the alleged crime; hence, he is entitled to get bail. The learned Public Prosecutor, on the other hand, submitted that the alleged incident occurred as a part of the intentional criminal acts of the applicant, and if he is released on bail at this stage, it will affect the course of the investigation.

6. The law regarding the grant or refusal of pre-arrest bail is well settled. Pre-arrest bail cannot be granted as a matter of course. The power u/s 482 of BNSS could be exercised only when a special case is made out, that too, recording reasons thereof. Perusal of the case diary reveals that the accusation made against the applicant is very serious in nature and it *prima facie* shows a premeditated criminal act on his part. I went through the FIS. There is a specific allegation in the FIS that the applicant, who is a Director, invited the victim who is an actor to his office offering a role in a forthcoming movie and outraged her modesty. The specific overt act alleged to attract the offence under Section 74 is that the applicant caught hold of the breast of the victim.



7. The learned counsel for the applicant has produced a pen drive which allegedly contains the conversation between the friend of the applicant and the mediator of the victim. It is submitted that the said conversation would reveal that the mediator of the victim one Mr. Antony demanded Rs.2,00,000/- (Rupees Two Lakhs only) from the friend of the applicant, viz. Mr.Rafi on the morning of 13.10.2025 before registration of the FIR. I went through the conversation. There is nothing to show in the said conversation that it was in any way connected with the facts involved in the crime.

The investigation is in a preliminary stage. The custodial interrogation of the applicant is necessary for the investigation. As rightly argued by the learned Public Prosecutor, the possibility of the applicant influencing the witnesses and interfering with the investigation cannot be ruled out if he is released on bail. Considering the gravity of the offence and stage of the investigation, it is not a fit case where extra ordinary jurisdiction vested with this Court u/s 482 of BNSS could be invoked. The bail application is, accordingly, dismissed.

Sd/ -
DR. KAUSER EDAPPAGATH
JUDGE



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APPENDIX OF BAIL APPL. NO. 13422 OF 2025

PETITIONER ANNEXURES

Annexure A 2 PHOTO SEND BY THE DE FACTO COMPLAINANT

**Annexure A 3 TRUE COPY OF DISMISSAL ORDER OF HONBLE
SESSIONS COURT ERNAKULAM IN CRL MC
2958/2025**