

IN THE COURT OF THE SESSIONS JUDGE,

THIRUVANANTHAPURAM

PRESENT : SMT. NAZEERA.S, SESSIONS JUDGE

Saturday, the 3rd day of January, 2026/ 13th day of Pousha, 1947

CRIMINAL M.C. No. 3660/2025

[Crime No. 4275/CB/CU-1/TVPM/R/2025 of Crime Branch Police Station
(Crime No. 1750/2025 of Nemom Police Station)]

Petitioner/Accused No.2 :-

Joby Joseph, aged 36 years, S/o M.G. Joseph
Adukatty Thekkethil, Attachal Thekkethil,
Attachal P.O, Konni, Pathanamthitta

By Advocate:-Sekhar G. Thampi

Counter Petitioner/Respondent:-

State of Kerala represented by Station House Officer,
Nemom Police Station

By Public Prosecutor: Dr. T. Geenakumary

This Criminal MC came up for hearing on 01/01/2026 and the court on 03/01/2026 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 64(2)(f), 64(2)(h), 64(2)(m), 89, 115(2) and 351(3), r/w Section 3(5) of the Bharatiya Nyaya Sanhita, and Section 66E of the Information Technology Act, and Crime No. 4275/CB/CU-1/TVPM/R/2025 of Crime Branch Police Station (Crime No. 1750/2025 of Nemom Police Station) is registered against the petitioner arraying him as the 2nd accused, along with five other accused.

3. The prosecution allegation in brief is as follows:- The 1st accused, who



is the serving M.L.A. of Palakkad Constituency befriended the victim through social media, while she was living separately from her husband, and thereafter, he gave emotional support to the victim and assured of being there for her. The 1st accused promised the victim that their relationship would endure forever. The 1st accused also convinced the victim that, the victim will not leave the 1st accused, if she has a child of the 1st accused and thereafter, the 1st accused, with the intention of having sexual intercourse with the victim and impregnating her, on 27.01.2025 and on 28.01.2025, had sexual intercourse with the victim. Subsequently, on 04.03.2025, the 1st accused physically assaulted the victim and committed rape upon her. Thereafter, on 17.03.2025, the 1st accused took the nude video of the victim by threatening her. Then, the 1st accused, by knowing the fact that the victim was pregnant, on 22.04.2025, again committed rape upon her and compelled her for miscarriage. Subsequently, on 30.05.2025, at the instruction of the 1st accused, the 2nd accused handed over the abortion pills to the victim, and finally, at the compulsion of the 1st accused, she took the pills and aborted the pregnancy.

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 pre-arrest bail can be granted to the petitioner/ 2nd accused.

7. **The Point:-** The 1st accused is the Member of Legislative Assembly representing Palakkad Constituency. The petitioner / 2nd accused is the friend of the 1st accused. The defacto complainant / victim in this case is a Journalist working in a TV Channel. It is alleged that, the 1st accused, who got acquaintance with the victim, who was living separately from her husband, gave emotional support and assurance of being with her lifelong, and thereafter, committed rape upon the victim and so



many occasions, impregnated her, took her nude video, and also insisted her to terminate the pregnancy. The allegation against the petitioner / 2nd accused is that, as per the instruction of the 1st accused, he had handed over the abortion pills to the victim.

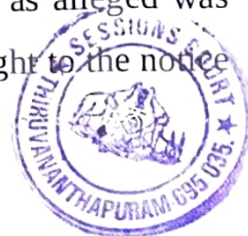
8. The petitioner submitted the following:-

The petitioner is a common friend of the 1st accused and the victim. The victim had requested the petitioner to collect certain tablets from a medical representative and to hand over to her. The petitioner had no knowledge or reason to believe that the said tablets were intended to induce a miscarriage. Acting solely on the request of the victim, the petitioner brought the medicine to the location shared by her. The victim has no specific allegation against the petitioner in her First Information Statement. The petitioner has produced the screenshot of the messages sent by the victim to the petitioner.

9. There is serious allegation as against the petitioner / 2nd accused. Allegedly, the petitioner had given tablets for causing miscarriage of the victim as per the direction of the 1st accused. Going by the First Information Statement given by the victim, it is seen that, the 1st accused had insisted her for aborting her pregnancy and he often compelled her and threatened her for the same. It is stated in the First Information Statement that, the 1st accused had called the petitioner over phone and had gone out from the Flat and obtained two tablets for abortion and compelled the victim to consume the same, which she refused. The specific allegation against the petitioner is that, later on May 30th, the petitioner had reached near the office of the victim and took the victim in his car and gave some tablets for aborting her pregnancy. According to the petitioner, the victim had requested him to collect certain tablets from a medical representative and hand over the same to her. It is submitted by the petitioner that he had no knowledge or reason to believe that



the said tablets were intended to induce a miscarriage. The learned counsel for the petitioner submitted that, in fact, the victim had shared her location and sent messages to procure the tablets and the petitioner had acted in accordance with her request. The petitioner had produced the print out of the screenshot of the Whatsapp chat dated 30.05.2025 between the petitioner and the victim to show that the victim had requested for the procurement of the medicine. Section 89 of the Bharatiya Nyaya Sanhita is attracted only if the miscarriage is caused without the consent of the women. Even as per the First Information Statement, the petitioner had only handed over the medicine telling her that it was given by a medical representative. There is no allegation in the First Information Statement that the petitioner had compelled the victim to take the medicine or had advised her to take the medicine as against her willingness or consent. The main allegation in this regard is against the 1st accused. There is no prima facie material to show the offence alleged against the petitioner. The learned Public Prosecutor submitted that the mahazar prepared by the Assistant Commissioner of Police on verification of the mobile phone of the victim would show that the petitioner was trying to convince the victim that the relationship between the victim and the 1st accused will be alright and normal. However, there is nothing in the said mahazar, which shows that the petitioner had compelled the victim to take the medicines given by him. The mahazar gives narration of incoming text messages from the petitioner giving instructions for using the MTP kit. However, there is no prima facie material to show the knowledge of the petitioner regarding her reluctance to take the medicine. Apparently, the petitioner has acted as per the instruction of the 1st accused. The role of the petitioner in the offence alleged is a matter of evidence. 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. No criminal antecedents of the petitioner is brought to the notice of this court.



10. In view of my discussion above, it appears that there is no impediment in granting a pre-arrest bail to the petitioner. Considering all these 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/ 2nd 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 Tuesday 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.
- (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 3rd day of January 2026)

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

(Copies : 4) //True Copy//
Typed by: Soumya
Compared by: Maniusha ✓ FCS : ✓


SHERISTADAR

