

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K. BABU

Saturday, the 6th day of December 2025 / 15th Agrahayana, 1947

BAIL APPL. NO. 14427 OF 2025

CRIME NO.1750/2025 OF NEMOM POLICE STATION, THIRUVANANTHAPURAM

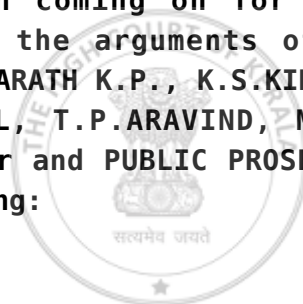
PETITIONER(S)/ACCUSED 1:

RAHUL B.R, AGED 36 YEARS, S/O RAJENDRA KURUP, ATTUVILAKATHU VEEDU,
MUNDAPALLI, PARAKOOTTAM P.O, PATHANAMTHITTA DISTRICT, PIN - 691551

RESPONDENT(S)/STATE:

1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031
2. THE STATION HOUSE OFFICER, NEMOM POLICE STATION, NEMOM P.O,
THIRUVANANTHAPURAM DISTRICT, PIN - 695020

This Bail application coming on for orders upon perusing the petition and upon hearing the arguments of M/S. S.RAJEEV, V.VINAY, M.S.ANEER, ANILKUMAR C.R., SARATH K.P., K.S.KIRAN KRISHNAN, DIP V., AKASH CHERIAN THOMAS, AZAD SUNIL, T.P.ARAVIND, MAHESWAR P. & AKSHARA S., Advocates for the petitioner and PUBLIC PROSECUTOR for the respondents, the court passed the following:



K.BABU, J

B.A.No.14427 of 2025

Dated this the 6th day of December, 2025

O R D E R

The petitioner apprehends arrest in connection with crime No.1750 of 2025 of Nemom Police Station. He is alleged to have committed 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 66(E) of the Information Technology Act,2000.

2. The petitioner has pleaded the following grounds in his application for anticipatory bail.

- (1) The de facto complainant, a married woman, was fully aware of her marital status. The allegations contained in the FIS do not fall within the legal definition of 'rape'.
- (2) The petitioner has not, until now, been supplied with copies of the FIR and FIS.

(3) The complaint, which is highly belated, was directly submitted to the Chief Minister of Kerala instead of filing before the competent authority as contemplated under the BNSS. Accordingly, there is political influence in the investigation.

(4) The attempt of the Police is to put the petitioner behind the bars even before collecting evidence.

3. The petitioner relies on ***Mahesh Damu Khare v. The State of Maharashtra*** [(2024) 11 SCC 398] and ***Jothiragawan v. The State represented by the Inspector of Police and Ors.*** [2025 SCC Online SC 628] to contend that the ingredients of the offences alleged are not attracted.

4. I have heard the learned counsel for the petitioner and the learned Director General of Prosecutions.

5. The learned DGP shall produce the Case Diary.

6. The petitioner shall not be arrested till the next posting date.

Post on 15.12.2025 for hearing.

K.BABU JUDGE

kkj

