

News

A guy accused of sexually abusing and suffocating his girlfriend is granted bail by the Kerala High Court.



The Court noted that since the medical reports did not mention any coerced sexual act, there was, on the surface, not enough evidence to support the accused's sexual assault claim.

A 26-year-old man who is accused of sexually abusing his 19-year-old girlfriend at her home in Chottanikkara and then suffocating her to death was recently granted bail by the Kerala High Court.

Since the medical and post-mortem reports did not reveal any forced sexual act and the majority of the injuries seemed minor or connected to the victim's attempted hanging, Justice **Bechu** Kurian Thomas noted that, on the surface, there was not enough evidence to prove the accused of sexual assault.

"There is no evidence of recent sexual assault in the victim's medical report. On the surface, there doesn't appear to be any evidence that the victim was sexually assaulted. The victim's private areas did not appear to be injured either," the Court noted.

Given his youth, his more than nine months in detention, and the slim chance of a quick trial, the court granted the accused conditional release despite acknowledging the seriousness of the charges against him.

"Though the allegations against the petitioner are serious, still considering the young age of the petitioner, the possibility of commencing the trial immediately being very remote, the opinion in the post mortem report and the report of the medical expert, apart from the period of custody already undergone by the petitioner and the fact that the final report has already been filed, all compel this Court to conclude that further detention of the petitioner is not necessary and he can be enlarged on bail on strict conditions," the court stated.

On January 29, the Chottanikkara Police detained the defendant, Anoop KM.

Sections 64 (punishment for rape), 105 (punishment for culpable homicide not amounting to murder), 115(2) (punishment for voluntarily causing hurt), 333 (house-trespass after preparation for hurt, assault, or wrongful restraint), and 76 (assault or use of criminal force against a woman with intent to disrobe her) of the **Bharatiya** Nyaya Sanhita (BNS) were the charges against him.

The prosecution claims that on January 25, he broke into the victim's home and tried to engage in penetrative sexual contact with her following a dispute about her purported connection with another man.

After cutting the rope and dragging her down, Anoop allegedly attacked her with a hammer and suffocated her, rendering her unconscious, despite her resistance and attempt to hang herself.

Then, without seeking medical assistance, he abandoned her in that state. Later, she passed away from her wounds.

When Anoop went to the Kerala High Court to get regular bail, his attorney said that the incident happened as a result of a little argument rather than any criminal purpose and that

the petitioner and the deceased victim were in a consensual relationship.

According to the attorney, the girl was psychologically and emotionally disturbed, tried to hang herself during their argument, and the injuries discovered on her body were either self-inflicted or the result of the petitioner's attempt to save her.

The prosecution rejected the plea, arguing that the petitioner should not be released on bail due to the seriousness of the charges against him.

Nonetheless, the Court saw significant discrepancies between the medical evidence and the prosecution's account of what happened.

The cause of death was listed as hanging followed by smothering-induced brain death, and the post-mortem results showed no evidence of forceful penetration.

The accused's criminal intention to commit murder was also seriously questioned by the court since it was odd that he cut the rope to save her first and then allegedly suffocated her.

In light of the petitioner's extended detention, lack of criminal history, and the conclusion of the inquiry, the court granted him release with stringent requirements.

The petitioner was represented by advocates **Abdul Latheef PM, Abhirami S, and Navaneeth N Nath.**

The State was represented by Public Prosecutor **Noushad KA.**