

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 14<sup>TH</sup> DAY OF OCTOBER 2022 / 22ND ASWINA, 1944

BAIL APPL. NO. 7904 OF 2022

Crime No.522 of 2022 of Cherpulassery Police Station, Palakkad

PETITIONER/S:

NISHAL.O.P

AGED 20 YEARS

NISHAL O.P, AGED 20 YEARS, S/O. SIDHEEQUL AKBAR, OYUR  
PARAMBIL HOUSE, EZHUVANTHALA P.O., CHEMMANKUZHI,  
OTTAPPALAM, PALAKKAD DISTRICT , PIN - 679335

BY ADVS.

M.B.SHYNI

RAJESH KUMAR R.

V.R.ANILKUMAR

RAMEES P.K.

ERFANA PARAMBADAN

RESPONDENT/S:

STATE OF KERALA

REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM, PIN - 682031

OTHER PRESENT:

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PP SRI.NOUSHAD K.A

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
14.10.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**BECHU KURIAN THOMAS, J.**  
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**B.A. No. 7904 of 2022**  
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**Dated this the 14<sup>th</sup> day of October, 2022**

**ORDER**

This is an application for regular bail filed under Section 439 of Code of Criminal Procedure, 1973.

2. Petitioner is the accused in Crime No.522 of 2022 of Cherpulassery Police Station, Palakkad District. The offences alleged against the petitioner are punishable under Sections 354D(1)(2) and Section 509 of the Indian Penal Code, 1860 apart from Section 67A of the Information Technology Act, 2000.

3. According to the prosecution, on 15-09-2022 the accused morphed the photos of the defacto complainant as obscene photos and circulated the same through social media with the intention to outrage her modesty and thereby committed the offences alleged.

4. Smt.P.Mamatha, the learned counsel for the petitioner contended that the prosecution allegations are false and that the incident as alleged had not occurred.

5. Sri. Noushad K.A., the learned Public Prosecutor opposed the grant of bail and contended that the allegations are serious, especially since the petitioner is alleged to have morphed the

photographs of his teacher. It was also pointed out that there is a criminal antecedence for the petitioner

6. I have considered the rival contentions. The allegations against the petitioner are serious in nature. However, considering the age of the petitioner and also the period of detention already undergone, I am of the view that the petitioner can be released on bail under strict conditions.

In the result, this application is allowed on the following conditions:-

*(a) Petitioner shall be released on bail on him executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the court having jurisdiction.*

*(b) Petitioner shall appear before the Investigating Officer as and when required.*

*(c) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence or contact the victim or his/her family members.*

*(d) Petitioner shall not commit any similar offences while he is on bail.*

*(e) Petitioner shall not leave India without the permission of the Court having jurisdiction.*

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court.

**BECHU KURIAN THOMAS**  
**JUDGE**

AJM/14/10/22

**APPENDIX OF BAIL APPL. 7904/2022**

PETITIONER ANNEXURES

- Annexure III            A TRUE COPY OF THE RECEIPT ISSUED BY  
THE OFFICE OF THE DISTRICT POLICE CHIEF  
PALAKKAD ( RURAL) DATED 6/10/2022.
- Annexure 1            A TRUE COPY OF THE ORDER DATED  
1/10/2022 IN CRL.MP.NO.8417/2022 PASSED  
BY THE JUDICIAL FIRST CLASS MAGISTRATE  
COURT - I OTTAPPALAM.
- Annexure II            A TRUE COPY OF THE REPRESENTATION  
SUBMITTED BY THE FATHER OF THE  
PETITIONER MR. SIDHEEQUL AKBAR TO THE  
DISTRICT POLICE CHIEF PALAKKAD (RURAL)  
DATED 05/10/2022.

//TRUE COPY//

PA TO JUDGE