

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

THURSDAY, THE 15<sup>TH</sup> DAY OF DECEMBER 2022 / 24TH AGRAHAYANA, 1944

BAIL APPL. NO. 9456 OF 2022

Crime No.55 of 2022 of Cyber Police Station, Thiruvananthapuram

PETITIONER/ACCUSED:

SREEELA P. MANI @ LEKSHMI DEEPTHA  
AGED 37 YEARS  
W/O. SHALIN SHAJI,  
HAILING FROM MADATHIPARAMBIL HOUSE,  
N. E. WARD, VAIKOM P.O., KOTTAYAM.  
NOW RESIDING AT T.C. NO. 18/266-1,  
G.S.N. 97, BAITHUL RIDHA,  
GANDHISMARAKA NAGAR, MUTTADA P.O,  
THIRUVANANTHAPURAM ., PIN - 695025  
BY ADVS.  
R.SANJITH  
C.S.SINDHU KRISHNAH

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM, PIN - 682011
- 2 STATION HOUSE OFFICER  
CYBER POLICE STATION,  
THYCAUD, TRIVANDRUM, PIN - 695014
- 3 KHADEEJA@DIVYA  
ATHAVANAD P.O, MALAPPURAM., PIN - 679571

OTHER PRESENT:

PP SRI.NOUSHAD K.A

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
15.12.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**BECHU KURIAN THOMAS, J.**

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**B.A.NO. 9456 of 2022**  
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**Dated this the 15<sup>th</sup> day of December, 2022**

**ORDER**

This is an application for pre-arrest bail filed under Section 438 of the Code of Criminal Procedure, 1973.

2. Petitioner is the accused in Crime No.55 of 2022 of Cyber Police Station, Thiruvananthapuram District, alleging offences punishable under Section 67A of the Information Technology Act, 2000.

3. According to the prosecution, accused had made the defacto complainant believe that she will be acting in a serial and after obtaining an agreement forced her to acting intimate scenes contrary to the agreement and also captured nude videos of the defacto complainant and uploaded it allegedly on social media sites and thereby committed the offences alleged.

4. Sri.R.Sanjith, the learned counsel for the petitioner contended that the entire prosecution case is false and that the incident as alleged had not occurred. It was also pointed out that the video graphs were shown with the consent of defacto complainant and that the same was based upon an agreement after satisfying the content and details of the script and therefore no offence is made out against the petitioner. In any event, it was further submitted that the matter has been settled

between the parties and an affidavit to that effect has already been filed and produced as Ann.A3.

5. Sri. Noushad K.A., the learned Public Prosecutor obtained instructions regarding the veracity of the affidavit and it is submitted that a signed statement has been obtained from the defacto complainant that she does not wish to pursue the complaint and that she has no complaint against the petitioner.

6. I have considered the rival contentions.

7. Having regard to Ann.A3 as well as the statement given by the defacto complainant before the Police that she has no complaint against the petitioner, the petitioner is entitled to be released on pre-arrest bail.

Accordingly, this application is allowed on the following conditions:

*(i) Petitioner shall be released on bail on her executing a bond for Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties for the like sum if she is arrested by the police in connection with this case.*

*(ii) Petitioner shall appear before the Investigating Officer for interrogation if she is so required in writing and shall co-operate with the investigation.*

*(iii) Petitioner shall not destroy or tamper with the evidence or intimidate or threaten or contact the defacto complainant or her family members.*

*(iv) Petitioner shall not commit any other similar offences while she is on bail.*

*(v) 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 Magistrate is empowered to cancel the bail in accordance with the law.

**BECHU KURIAN THOMAS  
JUDGE**

AJM

16/12/22