

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

TUESDAY, THE 11<sup>TH</sup> DAY OF OCTOBER 2022 / 19TH ASWINA, 1944

BAIL APPL. NO. 6870 OF 2022

AGAINST THE ORDER/JUDGMENTCRMC 1700/2022 OF ADDITIONAL DISTRICT COURT &

SESSIONS COURT - VI, THIRUVANANTHAPURAM / III ADDITIONAL MACT

CRIME NO.40/2022 OF CYBER CRIME POLICESTATION, THIRUVANANTHAPURAM

PETITIONER/3<sup>rd</sup> ACCUSED:

SARATH KUMAR K.S, S/O SAHADEVA,AGED 33 YEARS,  
RESIDING AT ANDAGOVE VILLAGE,ANDAGOVE PAISARI,  
SOMAVARAPETE TALUK,ANDAGOVE,KODAGU,KARNATAKA-571237.

BY ADVS.  
TONY THOMAS (INCHIPARAMBIL)  
M.A.FIROSH  
K.P.AMRUTHA  
SUSHEEL SHANKAR  
SRADHA MOHAN

RESPONDENT/STATE:

STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM

OTHER PRESENT:

PP - SMT. NIMA JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11.10.2022,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**VIJU ABRAHAM, J.**

.....  
**B.A. No.6870 of 2022**  
.....

Dated this the 11<sup>th</sup> day of October, 2022

**ORDER**

This is an application for anticipatory bail.

2. Petitioner is wrongly arrayed as the 3<sup>rd</sup> accused in Crime No.40 of 2022 of Cyber Crime Police Station, Thiruvananthapuram registered alleging commission of offences punishable under Sections 384, 506 and 34 of the Indian Penal Code and Sections 66C, 66D, 66E and 67A of the Information Technology Act.

3. The prosecution case is that accused Nos.1 and 2 threatened the brother of the defacto-complainant saying that the accused person would circulate pornographic videos of the brother of the defacto-complainant and created fake profile pictures in Instagram application by using nude photographs of women. Accused Nos.1 and 2 demanded Rs.10 lakhs for not circulating the above mentioned pornographic videos. Thereupon, the brother of the defacto complainant transferred Rs.1,000/- on 17.07.2022 and thereafter Rs.4,000/-to the account of the 4<sup>th</sup> accused and thus the accused committed the abovesaid offences.

4. Petitioner submits that he has been falsely implicated in the

abovesaid crime as accused Nos.1 and 2 were employees of the petitioner who is conducting an interior decoration business firm in Karnataka. Petitioner though moved an application for bail before the Sessions Court, Thiruvananthapuram, the same was dismissed as per Annexure-2 order.

5. Learned Public Prosecutor seriously opposed the application for bail mainly contending that it is from the mobile phone of the petitioner herein that the pictures were sent to the defacto complainant and demand for Rs.10 lakhs was made.

Considering the facts and circumstances of the case and the seriousness of the allegations, I am not inclined to grant pre-arrest bail to the petitioner. It is for the petitioner to surrender before the investigating officer and co-operate with the investigation. In the event of arrest of the petitioner, he shall be produced before the jurisdictional Magistrate on the very same day. If an application for bail is filed with prior notice to the Public Prosecutor, the jurisdictional Magistrate may consider the bail application preferably on the very same day.

Sd/-  
**VIJU ABRAHAM**  
**JUDGE**