

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

MONDAY, THE 12<sup>TH</sup> DAY OF DECEMBER 2022 / 21ST AGRAHAYANA, 1944

BAIL APPL. NO. 9787 OF 2022

[FIR NO.831/2022 OF PULPALLY POLICE STATION, WAYANAD]

PETITIONER/ACCUSED:

SALIM E, AGED 23 YEARS  
S/O ABDUL MAJEED,  
ILLIYATTUMMAL HOUSE,  
SANTHINAGAR POST ,  
VELOM AMSOM, KUTTIADY,  
KOZHIKODE, PIN - 673 508.

BY ADVS.

CHERIAN MATHEW POOTHICOTE  
AJITH VILLY GEORGE

RESPONDENT/COMPLAINANT :

STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA., PIN - 682031

PP SMT.M.K PUSHPALATHA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
12.12.2022, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**BECHU KURIAN THOMAS, J**

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**B.A.No.9787 of 2022**

.....

*Dated this the 12<sup>th</sup> day of December, 2022*

**ORDER**

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

2. Petitioner is the accused in Crime No.831 of 2022 of Pulpally Police Station, Wayanad District, registered for the offences punishable under Sections 354A(1)(iii), 354D(2) and 506 of the Indian Penal Code, 1860 apart from Section 11(i)(ii)(iv)(v) r/w Section 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 67B of the Information Technology Act, 2000.
3. The prosecution case is that, the accused, after following the minor victim, aged 13 years, on the instagram account, transmitted his nude pictures to the victim and threatened and forced the victim to send her nude photographs and thereby committed the offences alleged.
4. Sri.Cherian Mathew Poothicote, the learned counsel for the petitioner, submitted that the prosecution allegations are

false and that the incident as alleged had never occurred. It was further submitted that petitioner is a young man, who is being falsely arrayed as an accused, and that he has been in custody since 17.11.2022 and therefore, further detention ought not be permitted.

5. Sri.Noushad K.A., the learned Public Prosecutor, opposed the grant of bail and submitted that the petitioner had even threatened the victim and therefore, prejudice will be caused, if he is released on bail at this juncture.
6. Having regard to the nature of allegations and considering the fact that the petitioner was remanded to judicial custody on 17.11.2022, I am of the view that the continued detention of the petitioner is not required in the circumstances of the case. Therefore, the petitioner is entitled to be released on bail.
7. 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 enter into the jurisdictional limits of Pulpally Police Station, till the filing of the final report.

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

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

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

8. 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**