

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 11<sup>TH</sup> DAY OF NOVEMBER 2022 / 20TH KARTHIKA, 1944

BAIL APPL. NO. 8802 OF 2022

[CRIME NO.1149/2022 OF PALARIVATTOM POLICE STATION,KOCHI  
CITY]

PETITIONERS/1ST & 2ND ACCUSED:

- 1       XXXX  
          AGED 42 YEARS  
          THATTASERRY, AROOR P.O, CHERTHALA, NOW RESIDING AT  
          THATTASERRY HOUSE, VENNALA, KOCHI,, PIN - 682028
- 2       XXXXXXXXXX  
          XXXXXXXXXX XXXXXXXXXXXX  
          BY ADVS.  
          JOSEPH GEORGE  
          P.A.REJIMON  
          T.A.AKBAR  
          SAJEEV JOHN T.

RESPONDENT/STATE :

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

PP SRI.NOUSHAD K.A

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
11.11.2022, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**BECHU KURIAN THOMAS, J**

.....

**B.A.No.8802 of 2022**

.....

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

**ORDER**

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

2. Petitioners are accused in Crime No.1149 of 2022 of Palarivattom Police Station, Kochi city registered for the offences punishable under Sections 376(1), 376(2)(n), 354A(1)(ii), 354A(2), 354b(1)(i) and 506 of the Indian Penal Code, 1860 apart from Sections 67A and 66E of the Information Technology Act, 2000.
3. The prosecution case is that, the first accused had a relationship with the victim and thereafter exploited her using the recording of video and forwarded the same to the second accused, who consequent to the receipt of the said video, threatened the victim and forced her to indulge in sexual intercourse with him and thereby the accused committed the offences alleged.
4. Sri.Joseph George, the learned counsel for the petitioner submitted that the entire prosecution allegations are false

and that the petitioners are totally innocent. It was further submitted that the victim had borrowed money from the petitioners and the crime is alleged, to avoid repayment of the same.

5. Sri.Noushad K.A., the learned Public Prosecutor, opposed the grant of bail and submitted that though the petitioners were arrested on 27.10.2022, the investigation is only in the initial stages and therefore releasing the petitioners on bail would cause prejudice to the investigation.

6. Having regard to the nature of allegations and considering the nature of allegations which are very serious, I am of the view that the petitioners cannot be released on bail at this juncture, especially since the investigation is ongoing. Accordingly, I dismiss this bail application.

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