

**BAIL APPL. NO. 9519 OF 2022**

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**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS**

**FRIDAY, THE 16<sup>TH</sup> DAY OF DECEMBER 2022 / 25TH AGRAHAYANA, 1944**

**BAIL APPL. NO. 9519 OF 2022**

**PETITIONER/S:**

AKASH  
AGED 24 YEARS  
S/O LATE SATHEESAN  
AKASH BHAVAN, THACHODU, CHEMMARUTHY P.O  
THIRUVANANTHAPURAM, PIN - 695145  
BY ADV S.NIKHIL SANKAR

**RESPONDENT/S:**

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

**OTHER PRESENT:**

PP SMT.M.K PUSHPALATHA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
16.12.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**BECHU KURIAN THOMAS, J.**

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**B.A.No.9519 of 2022**

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*Dated this the 16<sup>th</sup> day of December 2022*

**ORDER**

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

2. Petitioner is the sole accused in Crime No.1660/2022 of Attingal Police Station, Thiruvananthapuram District. The offences alleged against the petitioner are under Sections 354C, 354D and 509 of the Indian Penal Code, 1860 apart from Section 66E, 67A, 67B(a) of the Information Technology Act, 2000 and Section 4 r/w Section 3(c), Section 12, r/w Section 11(ii), (iv), and Section 15 of the Protection of Children From Sexual Offences Act, 2012

3. According to the prosecution, on a day in July 2022 and again during Onam 2022, petitioner forced the victim to disrobe herself during Whatsapp video Calls and thereby committed the offences alleged.

4. Sri.Nikhil Sankar, learned Counsel for the petitioner submitted that the prosecution allegations are false and that the incident as alleged had not occurred. It was further submitted that petitioner was arrested on 11.11.2022 and has been in custody since then.

5. Smt.M.K.Pushpalatha, learned Public Prosecutor on the

other hand opposed the grant of bail and submitted that the prosecution allegations are serious in nature, and that the investigation is still continuing. It was also submitted by the learned Public Prosecutor that the accused had attacked the house of the victim, when she resisted his attempts to contact her and therefore, there is every chance of intimidation.

6. I have considered the rival contentions.

7. Having regard to the nature of allegations, I am of the view that even though the same is serious, taking note of the period of detention already undergone, I am of the view that the petitioner can be released on bail on 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 enter into the jurisdictional limits of the Attingal Police Station, until the completion of the trial.
- (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.

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**

jm/