

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

THURSDAY, THE 6TH DAY OF OCTOBER 2022 / 14TH ASWINA, 1944

BAIL APPL. NO. 7674 OF 2022

CRIME NO.539 OF 2022 OF MUHAMMA POLICE STATION, ALAPPUZHA

PETITIONER/ ACCUSED :

SHIJIL M T,
AGED 27 YEARS,
MUTHIRAKATHARAMMAL HOUSE, PUTHIYANGADI P.O,
KOZHIKODE, KERALA - 673 021

BY ADVS.
BONNY BENNY
BALU TOM
VISHNU NARAYANAN
BEJOY JOSEPH P.J.
SABU THOMAS
GOVIND G. NAIR

RESPONDENT/ STATE/ COMPLAINANT :

- 1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682 031
- 2 XXX(DEFACTO COMPLAINANT)
XXX

BY SRI.NOUSHAD K.A., PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
06.10.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

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B.A.No.7674 of 2022

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Dated this the 6th day of October, 2022

ORDER

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

2. Petitioner is the accused in Crime No.539/2022 of Muhamma Police Station, Alappuzha alleging offences punishable under Sections 354A and 354D of the Indian Penal Code, 1860 apart from Sections 11(iii), 11(iv) and 12 of the Protection of Children from Sexual Offences Act, 2015 apart from Sections 67A and 67B(a) of the Information Technology Act, 2000.

3. According to the prosecution, the accused contacted the victim through Facebook and thereafter forced her into exchanging nude photographs and videos with the petitioner and thereby committed the offences alleged.

4. Sri.Bonny Benny, the learned counsel for the petitioner contended that the prosecution allegations are false and that since the petitioner was arrested on 02.09.2022, the continued detention is not essential for the investigation.

5. Sri.Noushad K.A., the learned Public Prosecutor opposed the grant of bail and contended that the prosecution allegations are serious in nature and that the petitioner has, over a period of time, groomed the victim into falling prey to his criminal activities.

6. I have considered the rival contentions.

7. A perusal of the case diary reveals that prima facie there are materials on record to connect the petitioner with the crime. However, since petitioner was remanded to judicial custody on 02.09.2022, 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.

8. 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 intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence or contact the victim or her family members.

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

RKM