

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

THURSDAY, THE 22ND DAY OF DECEMBER 2022 / 1ST POUSHA, 1944

BAIL APPL. NO. 10112 OF 2022

AGAINST THE ORDER/JUDGMENT CRL.MP 3614/2022 OF JUDICIAL

MAGISTRATE OF FIRST CLASS, ALATHUR

[CRIME NO.1050/2022 OF ALATHUR POLICE STATION, PALAKKAD

DISTRICT]

PETITIONER/SOLE ACCUSED :

ABDUL JALEEL.K @ JALEEL
AGED 38 YEARS
S/O.MUHAMMAD KUTTY, KAPPIL VEEDU,
NEDUMPARAMBU, URAKAM KEEZHUMURY.P.O,
URAKAM VILLAGE, THIRURANGADI TALUK,
MALAPPURAM, PIN - 676519
BY ADV V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT/COMPLAINANT :

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682 031.

PP SRI.NOUSHAD K.A

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22.12.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

BECHU KURIAN THOMAS, J

.....

B.A.No.10112 of 2022

.....

Dated this the 22nd 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 sole accused in Crime No.1050 of 2022 of Alathur Police Station, Palakkad District, registered for the offences punishable under Sections 354 and 506 of the Indian Penal Code, 1860 and also under Sections 66(E), 67, and 67A of the Information Technology Act, 2000.
3. The prosecution case is that, the accused and the victim became friends through social media, and the accused had taken nude photographs and videos of the victim using his mobile phone and when the defacto complainant expressed her disinterestedness to continue the relationship, he criminally intimidated her and published the naked photographs and videos through the social media and thereby committed the offences alleged.
4. Sri.V.A.Johnson Varikkappallil, 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 was arrested on 06.12.2022 and that he has been in custody since then.

5. Sri.Noushad K.A., the learned Public Prosecutor, opposed the grant of bail and submitted that allegations are serious requiring continued detention and that if the petitioner is released on bail, there is every possibility of him influencing and intimidating the witnesses.

6. I have considered the rival contentions. Even though the allegations against the petitioner are serious in nature and considering the period of detention and the circumstances arising in the case, I am of the view that continued detention of the petitioner is not essential.

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 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.

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**