

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

WEDNESDAY, THE 2ND DAY OF NOVEMBER 2022 / 11TH KARTHIKA, 1944

BAIL APPL. NO. 8282 OF 2022

PETITIONER/S:

RAHUL K R
AGED 21 YEARS
SON OF RAGHUNAN, KALLUNGAL HOUSE, THANISSERY, KIZHUTHANI,
IRINJALAKUDA, THRISSUR, PIN - 680701
BY ADVS.
JITHIN BABU A
ARUN SAMUEL
CLETUS THOTTAPILLY

RESPONDENT/S:

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

OTHER PRESENT:

PP SRI.NOUSHAD K.A

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02.11.2022,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

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B.A.No.8282 of 2022

Dated this the 2nd 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 sole accused in Crime No.97/2022 of Nadakkavu Police Station, Kozhikode. The offences alleged against the petitioner are under sections 354D of the Indian Penal Code. 1860 apart from Sections 12, 11(i)(ii)(iii)(iv)(v)(vi) of the Protection of Children from Sexual Offences Act, 2012 and Section 67(A) of the Information Technology Act, 2000.

3. According to the prosecution, the accused stalked the minor girl, aged 16 years, through social media and forced her to sent her nude photographs to him, into his mobile phone and thereby committed the offences.

4. Sri.Jithin Babu, learned Counsel for the petitioner contended that the entire prosecution allegations are false and the incident as alleged had never occurred.

5. Sri.K.A.Noushad, learned Public Prosecutor on the other hand opposed the grant of bail and contended that the allegations are serious

in nature and that if the petitioner is released on bail, there is every chance of him intimidating/influencing the witnesses.

6. I have considered the rival contentions.

7. Petitioner was arrested on 10.10.2022 and has been in custody since then. Having regard to nature of allegations and the age of the petitioner, I am of the view that, even though the allegations are serious, the continued detention of the petitioner is not necessary.

Accordingly, this application is allowed on the following conditions:-

- (a) Petitioner shall be released on bail on him executing 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.
- (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.

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/