

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 14TH DAY OF OCTOBER 2022 / 22ND ASWINA, 1944

BAIL APPL. NO. 7822 OF 2022

[IN CRIME NO.774/2022 OF THODUPUZHA POLICE STATION, IDUKKI]

PETITIONER/ACCUSED:

SATHEESHAN @ SAJESH

AGED 34 YEARS

S/O SAJEEVAN, POOVATHINGAL HOUSE, MUTHALAKUDOM P O,
THODUPUZHA, IDUKKI DISTRICT, PIN - 685605

BY ADV P.A.MUJEEB

RESPONDENT/COMPLAINANT:

STATE OF KERALA

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

BY ADV.

NOUSHAD K.A - PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
14.10.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

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B.A.No. 7822 of 2022

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Dated this the 14th 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.774/2022, of the Thodupuzha Police Station, Idukki, alleging offences punishable under Sections 12 and 11(iii) of the Protection of Children from Sexual Offences Act, 2012 and Section 67A of the Information Technology Act, 2008, apart from Sections 201 and 294B of the Indian Penal Code, 1860.

3. The prosecution case is that on 08.05.2022, the accused send nude photographs of the mother of the victim to the victim's mobile phone and thereby committed the offences alleged.

4. Shri.P.A.Mujeeb, the learned counsel for the petitioner contended that the entire prosecution allegations are false and that

the incident as alleged had not occurred.

5. Shri.Noushad K.A., the learned Public Prosecutor opposed the grant of bail and contended that the allegations against the petitioner are serious in nature.

6. I have considered the rival contentions and have also perused the statement of the victim. Having regard to the circumstances, though I am of the view that the allegations against the petitioner are serious in nature, considering the period of detention already undergone, petitioner can be released on bail on conditions.

7. Accordingly, 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**

ssa/