

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

MONDAY, THE 8TH DAY OF AUGUST 2022 / 17TH SRAVANA, 1944

BAIL APPL. NO. 5727 OF 2022

AGAINST THE ORDER/JUDGMENTCRMP 2164/2022 OF II ADDITIONAL

DISTRICT COURT & SESSIONS COURT, PALAKKAD

PETITIONER/ACCUSED:

ZIYAD. K
AGED 19 YEARS
S/O. HAMZA, KUTTIKADAN HOUSE,
PULASSERY P.O., KOPPAM,
PALAKKAD DISTRICT, PIN - 679307
BY ADV SANTHEEP ANKARATH

RESPONDENTS/COMPLAINANTS :

- 1 STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI, PIN - 682 031.
- 2 STATION HOUSE OFFICER
KOPPAM POLICE STATION, KOPPAM,
PALAKKAD DISTRICT, PIN - 679307

PP SMT.M.K PUSHPALATHA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
08.08.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

BECHU KURIAN THOMAS, J

.....

B.A.No.5727 of 2022

.....

Dated this the 8th day of August, 2022

ORDER

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

2. Petitioner is the accused in Crime No.201 of 2022 of Koppam Police Station, Palakkad registered for the offences punishable under Sections 354D(1)(ii), 506(i) of the Indian Penal Code, 1860 and also under Sections 67(B) (b) of the Information Technology Act, 2000 and Section 12 r/w. Section 11(iii)(iv)(v), Section 14(l) r/w. Section 13(c) of the Protection of Children from Sexual Offences Act, 2012.

3. The prosecution case is that, between 01.12.2021 and 06.06.2022, the petitioner, by giving a false promise of marriage, induced the victim to send her nude photographs to his mobile phone and circulated the same to his friends and thereby committed the offences alleged.

4. Sri.Santheep Ankarath, the learned counsel for the

petitioner submitted that the entire prosecution case is false and that petitioner is innocent of the allegations.

5. Smt.M.K.Pushpalatha, the learned Public Prosecutor, opposed the grant of bail and submitted that petitioner had circulated nude photographs obtained from the victim to his friends and thereby committed a heinous crime.

6. On 29.06.2022, this Court had dismissed the pre-arrest bail application of the petitioner. Subsequently, he was arrested on 01.07.2022 and has been in custody since then.

7. Having regard to the nature of allegations and the detention of the petitioner from the date above mentioned, 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 offence 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**