

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

THURSDAY, THE 22ND DAY OF SEPTEMBER 2022 / 31ST BHADRA, 1944

BAIL APPL. NO. 7292 OF 2022

PETITIONER/S:

ABHIJITH.R
AGED 24 YEARS
S/O. REJIKUMAR.K,
ITHICHUVATTIL, KURUNJERI,
P.O. PERIYANGANAM, NILESWARAM VILLAGE,
KASARAGOD DISTRICT, PIN - 671314
BY ADVS.
S.S.ARAVIND
M.V.AMARESAN

RESPONDENT/S:

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

OTHER PRESENT:

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PP SRI.NOUSHAD K.A

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22.09.2022,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

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B.A.No.7292 of 2022

Dated this the 22nd day of September, 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.590/2022 of Payyannur Police Station. The offences alleged against the petitioner are under Sections 354, 354A((i) ((iii), 354D(ii) of the Indian Penal Code, 1860 and Section 12 r/w Section 11(i) (ii) (iii), Section 14 r/w Section 13(a) (c) Section 15 of the Protection of Children from Sexual Offences Act, 2012 apart from section 76(B)(a) of the Information Technology Act, 2000.

3. According to the prosecution, the accused who acquainted with the victim through social media, with sexual intent obtained the nude photographs of the victim and threatened her utilising the said photographs and thereby committed sexual assault on her.

4. Sri.S.S.Aravind, learned Counsel for the petitioner submitted 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 even though the petitioner was arrested on 03.08.2022, the continued detention of the petitioner is essential

6. Considering the entire circumstances of the case and the

period of detention already undergone, I am of the view that petitioner should be released on bail on conditions.

In the result, this application is allowed on the following conditions:-

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