

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 2ND DAY OF DECEMBER 2022 / 11TH AGRAHAYANA, 1944

BAIL APPL. NO. 8905 OF 2022

PETITIONER/S:

SREEKUTTAN BABU
AGED 24 YEARS
S/O BABU, SINDHU BHAVANAM, VELIYANADU P.O., VELIYANADU
VILLAGE, KUTTANADU TALUK, ALAPPUZHA DISTRICT., PIN -
689590
BY ADVS.
K.SHAJ
BEENA N.KARTHA
C.IJLAL
RESHMA.P.
JOSEPH MARY DAS
ARUN CHAND
VINAYAK G MENON
BHARAT VIJAY P.
MAJID MUHAMMED K.
MINU VITTORRIA PAULSON

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
PIN - 682031
- 2 THE STATION HOUSE OFFICER
RAMANKARY POLICE STATION, ALAPPUZHA DISTRICT., PIN -
689595
BY ADV PUBLIC PROSECUTOR

OTHER PRESENT:

PP SMT.M.K PUSHPALATHA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
02.12.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

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B.A.No.8905 of 2022

Dated this the 2nd day of December, 2022

ORDER

This is an application for anticipatory bail filed under Section 438 of the Code of Criminal Procedure, 1973.

2. Petitioner is the sole accused in Crime No.242/2022 or Ramankary Police Station, Alappuzha District. The offences alleged against the petitioner are under Sections 12, 11(ii), 14(1), 13(c), and 15(2) of the Protection of Children from Sexual Offences Act, 2012 and Sections 66E 67 and 67B of the Information Technology Act, 2000.

3. According to the prosecution, when the victim and the accused were in a relationship in the year 2019 and while she was a minor, the accused had compelled her to video chat with him in the nude and without her consent recorded the said videos and took photographs and published the same through a social media application called Telegram and thereby committed the offences alleged.

4. Sri.K.Shaj, learned Counsel for the petitioner submitted that the entire allegations are false and the incident as alleged had not occurred. It was further submitted that petitioner was made to believe that the victim is a major, while they were involved in a

relationship, and that the allegation of taking videographs and photographs and circulating the same are false and without any basis. It was further submitted that petitioner is willing to abide by any conditions that may be imposed.

5. Smt.M.K.Pushpalatha, learned Public Prosecutor opposed the grant of bail and contended that petitioner is alleged to have circulated the nude photographs and videos of the victim through the mobile application called Telegram. It was further submitted that circumstances require custodial interrogation.

6. I have considered the rival contentions and have also perused the statement of the victim.

7. Having regard to the nature of allegations, especially the allegation of taking photographs and circulating the nude videographs of the victim are concerned, I am of the view that petitioner is not entitled to be released on bail, at this juncture.

Accordingly, this bail application is dismissed.

**BECHU KURIAN THOMAS
JUDGE**

jm/

BAIL APPL. NO. 8905 OF 2022

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APPENDIX OF BAIL APPL. 8905/2022

PETITIONER ANNEXURES

ANNEXURE A1

THE CERTIFIED COPY OF THE ORDER IN
CRIMINAL.M.C NO.4171/2022 OF ADDITIONAL
SESSIONS COURT-I (POCSO), ALAPPUZHA.