

Surya vs State of Kerala

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Court : Kerala Orders

Decided On : Jul-03-2023

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Bail Appl./5030/2023

Appellant : SURYA

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
MONDAY, THE 3RD DAY OF JULY 2023 / 12TH ASHADHA, 1945
CRIME NO.616 OF 2023 OF POOVAR POLICE STATION,
THIRUVANANTHAPURAM DISTRICT PETITIONER/ACCUSED NO.2:
SURYA, AGED 18 YEARS S/O.SURENDRAN, NETTATHOTTAM,
LAKSHAMVEEDU COLONY, VENPAKAL, ATHIYANNOOR,
THIRUVANANTHAPURAM, PIN - 695123. BY ADVS.
SASTHAMANGALAM S. AJITHKUMAR SREEJITH S. NAIR
V.S.THOSHIN SATHEESH MOHANAN COLIN ANTONY DCRUZ
MAHIMA KRISHNAN

RESPONDENT/COMPLAINANT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031. OTHER PRESENT: SMT SEETHA S. SR. PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03.07.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ZIYAD RAHMAN, A.A, J BA No.5030 of 2023 rd Dated this the 3 day of July, 2023

O R D E R

The petitioner is the second accused in Crime No,616/2023 of Poovar Police Station, Thiruvananthapuram

District. The said crime was registered for the offences punishable under Sections 376(1), 354(A) (1) (ii), 354 (C) (2) r/w 34 of the Indian Penal Code, Section 66(E), 67(A) of IT Act, 2000, Section 4(1) r/w 3(a), 9(1) r/w 10, 11 (ii) (iv) (v) r/w Section 12, 13 (a) (c) r/w Section 14, 15 (1) of the Protection of Children from Sexual Offences Act, 2012. The petitioner was arrested on 18.05.2023.

2. The prosecution case is that the first accused got acquainted with the victim, a minor girl aged 15 years, and

had sexual intercourse with her. It is alleged that the first accused had captured nude photographs of the victim after taking her to various places. The role alleged against the petitioner is that he, along with the first accused, threatened the defacto complainant stating that the photographs would be shared, thereby collecting Rs.5000/- from the victim. Later, the petitioner and the first accused shared the nude photographs on a social media platform, thereby committing the offences.

3. The crime was registered in such circumstances, and as part of the investigation, the petitioner was arrested on 18.05.2023. Since then, he has been under judicial detention. This application for regular bail was submitted in such circumstances.

4. Heard Sri.Sasthamangalam S Ajithkumar, learned counsel appearing for the petitioner and Smt. Seetha S, the learned Senior Public Prosecutor appearing for

the State.

5. The learned counsel for the petitioner submits that

the petitioner is innocent of all the allegations. According to him, the main allegations are against the first accused, and the petitioner had no role in the commission of the sexual assault upon the victim. The learned counsel for the petitioner further pointed out that he is ready and willing to cooperate with the investigation and shall abide by any conditions that may be imposed by this court.

6. The learned Public Prosecutor opposed the said application by pointing out that, even though the allegations of sexual assault are against the first accused, as against the second accused, there is a specific allegation that he threatened the defacto complainant along with the first accused that the photographs would be shared on a social

media platforms and collected the amount. Even after collecting the said amount, the petitioner and the first accused shared the photographs on social media platforms and thereby committed the offences as alleged, which are under investigation.

7. I have gone through the records. The allegation of

sexual assault is indeed against the first accused but as against the petitioner also, there is a specific allegation that he had shared the photographs, of the defacto complainant, on social media platforms. The specific allegation of committing a threat to the victim and sharing the photographs is also made, even after collecting the amounts from the defacto complainant under the threat. When all the above said aspects are taken into consideration, I am of the view that the allegation against the petitioner is also severe in nature. The matter is even now under investigation. In such circumstances, I do not find any justification for granting bail to the petitioner. Accordingly, this bail application fails and is dismissed. sd/- ZIYAD RAHMAN, A.A, JUDGE R.AV