

X vs State of Kerala

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Court : Kerala

Decided On : Feb-11-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./672/2022

Appellant : X

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. FRIDAY,
THE 11TH DAY OF FEBRUARY 2022 / 22ND MAGHA, 1943 BAIL
APPL. NO. 672 OF 2022 CRIME NO.2119/2021 OF VILAPPILSALA
POLICE STATION PETITIONER/ACCUSED: X AGED 24 YEARS X, PIN
- 685606 BY ADV M.R.SASITH RESPONDENT/S: STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA ERNAKULAM, PIN - 682031 BY ADV PUBLIC PROSECUTOR
SRI. M.C. ASHI (PP) THIS BAIL APPLICATION HAVING COME UP
FOR ADMISSION ON 11.02.2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: BAIL APPL. NO. 672 OF 2022 2

ORDER

This is an application for regular bail.

2. Petitioner is the 1st accused in Crime

No.2119/2021 of Vilappilsala police station, alleging commission of offences under Sections 447, 354 and 354C of the Indian Penal Code and Section 8 r/w.7, 12 r/w.11(ii)(v) of Protection of Children from Sexual Offences Act and section 66E of the Information Technology Act.

3. Allegation against the petitioner is that the petitioner procured intimate photographs of the victim girl and thereafter, circulated it on social media.

4. Learned counsel appearing for the petitioner

submits that the petitioner and the victim girl were in love with each other. It is submitted that the cousin brother of the petitioner, who is the 2nd accused in the case, had access to the mobile phone of the petitioner and it was he who had actually circulated pictures of the victim on social media. It is submitted that the petitioner is absolutely innocent in the matter. Finally, it is submitted that the petitioner has been in custody for 51 days and his continued detention is not necessary for the purpose of any investigation.

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5. Learned Public Prosecutor pointed out the

circumstances appearing against the petitioner from the records. It is pointed out that going by the allegations, intimate pictures of the victim girl, who is a minor, was uploaded on instagram. It is submitted that this is a serious offence and the petitioner cannot be granted bail lightly.

6. Having regard to the facts and circumstances of

the case and considering the nature of the allegations against the petitioner and also considering the fact that he has been in custody for

51 days, I am of the opinion that the petitioner can be released on bail subject to strict conditions. Accordingly, this application for bail is allowed and it is directed that the petitioner shall be released on bail subject to the following conditions:-

- (i) The petitioner shall execute bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like-sum to the satisfaction of the jurisdictional court;
- (ii) Petitioner shall appear before the investigating officer in Crime No.2119/2021 of Vilappilsala Police station on every Saturday at 11 am until final orders;
- (iii) The petitioner shall not attempt to interfere with the BAIL APPL. NO. 672 OF 2022 4 investigation or to influence or intimidate the victim or any witness in Crime No. 2119/2021 of Vilappilsala police station;
- (iv) The petitioner shall not enter the local limits of the Vilappilsala police station except for the purpose of complying with condition No.(ii) above;
- (v) The petitioner shall not involve in any other crime

while on bail. If any of the aforesaid conditions are violated, the investigating officer in Crime No.2119/2021 of Vilappilsala police station may file an application before the jurisdictional court, for cancellation of bail. sd/- GOPINATH P. JUDGE
ajt