

Prabula K vs State of Kerala

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Court : Kerala

Decided On : Jul-01-2022

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Bail Appl./2398/2022

Appellant : Prabula K

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS FRIDAY, THE 1ST DAY OF JULY 2022 / 10TH ASHADHA, 1944 AGAINST THE ORDER/JUDGMENT IN CRMC 201/2022 OF DISTRICT COURT & SESSIONS COURT, THALASSERY
PETITIONER/S: PRABULA K AGED 30 YEARS D/O BALAN KOYILIARIAN HOUSE MAVICHERY THALIPARAMABA TALUK KANNUR, PIN - 670142 BY ADVS. K.RAJESH SUKUMARAN P.BABU
RESPONDENT/S: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA ERNAKULAM, PIN - 682301 OTHER PRESENT: PP SRI.NOUSHAD K.A THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01.07.2022,

THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

===== B.A.No.2398 of 2022

----- Dated this the 1st day of July, 2022

ORDER

This is an application seeking pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973.

2. Petitioner is the accused in Crime No.10/2022 of

Kudiyanmala Police Station. The offences alleged against the petitioner are under Section 67 of the Information Technology Act, 2000, Section 354A of the Indian Penal Code and Sections 119(b) and 120(o) of the Kerala Police Act, 2011.

3. Sri.Rajesh Sukumaran, learned Counsel for the petitioner submitted that the petitioner is innocent and the entire case is falsely foisted against him.

4. Sri.K.A.Nousahd, learned Public Prosecutor opposed the grant of bail.

5. On an appreciation of the nature of offences alleged

against the petitioner, I notice that all the offences are bailable including Section 67 of the Information Technology Act, when read in conjunction with Section 77A of the said Act. There is no case for the prosecution that the petitioner had committed a similar offence under Section 67 of the Information Technology Act earlier. In such circumstances, I find that the offences against the petitioner are bailable and accordingly, this bail application is closed. sd/ BECHU KURIAN THOMAS JUDGE jm/ APPENDIX OF BAIL APPL. 2398/2022 PETITIONER ANNEXURES Annexure A1 TRUE PHOTOCOPY OF THE ORDER IN CRL. M.C NO.201/2022 DATED 28-2-2022 PASSED BY THE HON'BLE SESSIONS COURT, THALASSERY