

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 29TH DAY OF MAY 2020 / 8TH JYAISHTA, 1942

Bail Appl..No.3084 OF 2020

CRIME NO.166/2020 OF KATTOOR POLICE STATION, THRISSUR

PETITIONER/ACCUSED:

SALEEJ M.A
AGED 22 YEARS
S/O. ABOOBACKER, MUTTUNGAL HOUSE, MUKUNDAPURAM TALUK,
MANAVALASSERY VILLAGE, THANISSERY P.O.,
IRINJALAKUDA, PIN-680 701.

BY ADVS.
SRI.K.S.BHARATHAN
SRI.ABEL ANTONY
SRI.CHRISTINE MATHEW

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031.
- 2 STATION HOUSE OFFICER
KATTOOR POLICE STATION, THRISSUR, PIN-680 702.

SRI AJITH MURALI PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
29.05.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

This application is filed under Section 438 of the Cr.P.C.

2. This application is taken up and heard through Videoconferencing.

3. The petitioner herein is the accused in Crime No.166 of 2020 of the Kattoor Police Station registered under Sections 354, 354 (D) (2), 506 of the Indian Penal Code. The aforesaid crime was originally registered based on information given by a lady before the Irinjalakuda Police Station which was later made over to the Kattoor Police Station.

4. According to the prosecution, the petitioner herein on 15.2.2018, at about 9 am., took the daughter of the de facto complainant to his residence at Keezhuthani and after removing her clothes snapped photographs. Thereafter, he is alleged to have obtained the username and password of the email ID of the girl and uploaded the explicit pictures in the social media. It is also alleged that the petitioner caused some injuries on her hands using a blade.

5. Sri K.S. Bharathan, the learned counsel appearing for the petitioner submitted that the petitioner is innocent. According to the learned

counsel, the photographs which were uploaded are not explicit and he would further contend that the victim herself had uploaded the same in the social media using her email.

6. The submissions of the learned counsel appearing for the petitioner are vehemently opposed by the learned Public Prosecutor. He would refer to the details of the investigation conducted till date and it was vehemently argued that the allegations are extremely grave. He would also point out that only after interrogating the petitioner herein, the nature of offence committed by him and also as to whether the provisions of the Information Technology Act, 2000 are attracted will be revealed.

7. I have considered the submissions advanced and have gone through the materials on record.

8. Having gone through the records made available, I am of the considered opinion that there are materials linking the petitioner with the crime. As the investigation is in the preliminary stage, it would not be proper for this Court to interfere with the powers of the police and give the petitioner a blanket protection under section 438 of the CrPC. There is nothing to conclude that the allegations are either frivolous or vexatious. Having regard to the facts and circumstances, the severity of accusations and the stage of investigation, I am not inclined to grant an order of pre-arrest bail to the

petitioner.

9. At this stage, the learned counsel prayed that the petitioner is prepared to cooperate with the investigation and sought for issuance of appropriate directions. I direct the petitioner to surrender before the Investigating officer as expeditiously as possible. After interrogation, the petitioner shall later be produced before the court having jurisdiction. If an application for bail is preferred, the same shall be considered and orders shall be passed expeditiously and on its merits.

This application will stand dismissed.

sd/-

RAJA VIJAYARAGHAVAN V

JUDGE

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