

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 23RD DAY OF DECEMBER 2022 / 2ND POUSHA, 1944

BAIL APPL. NO. 9179 OF 2022

[CRIME NO.1025/2022 OF THE KOVALAM POLICE STATION,

THIRUVANANTHAPURAM]

PETITIONERS/ACCUSED 1 TO 2:

- 1 SREELA P. MANI @ LEKSHMI DEEPTHA
W/O. SHALIN SHAJI, AGED 37 YEARS,
HAILING FROM MADATHIPARAMBIL HOUSE,
N. E. WARD, VAIKOM P.O., KOTTAYAM.
NOW RESIDING AT T.C. NO. 18/266-1,
G.S.N. 97, BAITHUL RIDHA,
GANDHISMARKA NAGAR, MUTTADA P.O.,
THIRUVANANTHAPURAM, PIN - 695025.
- 2 ABISON A.L., AGED 35 YEARS
CHIEF EXECUTIVE OFFICER,
ARYANANDHA CREATIONS PRIVATE LIMITED
S/O. P. ANANDA KUMAR,
RESIDING AT BETHEL, MURIANKARA, PARASSALA P.O.,
NEYYATTINKARA, THIRUVANANTHAPURAM, PIN - 695 502.
BY ADVS.
R.SANJITH
C.S.SINDHU KRISHNAH

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682011
- 2 STATION HOUSE OFFICER
KOVALAM POLICE STATION,
THIRUVANANTHAPURAM CITY, PIN - 695 527.
- 3 SOUMYA @ K.S.GANDHIMATHI
AGED 39 YEARS, D/O.PRASANNA,
SATHI BHAVAN, EDAVATTAM,
KALLUVATHUKKAL, CHIRAKKARA P.O.,
KOLLAM, PIN - 691578
BY ADV DEEPAK TWINKLE SANAL
PP SMT.C.SEENA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
23.12.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

BECHU KURIAN THOMAS, J

.....
B.A.No.9179 of 2022
.....

Dated this the 23rd day of December, 2022

ORDER

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

2. Petitioners are accused Nos.1 and 2 in Crime No.1025 of 2022 of Kovalam Police Station, Thiruvananthapuram District, registered for the offences punishable under Sections 468, 471, 420, 354, 354B and 506(i) r/w Section 34 of the Indian Penal Code, 1860.
3. The prosecution case is that the accused cheated the defacto complainant by fabricating false documents on 07.06.2022 and after forcibly removing the cloth worn by the defacto complainant and making her to act in a web series telecast the same in an OTT platform, contrary to the understanding that her private parts will be blurred and thereby committed the offences alleged.
4. Sri.R.Sanjith, the learned counsel for the petitioners, submitted that the entire prosecution allegations are false

and that there is no fabrication of any false document or any commission of forgery. It was further submitted that the private parts of the defacto complainant have not even been video graphed or either shown or telecast through any platform as alleged and that the entire attempt of the defacto complainant is to blackmail the petitioners. The learned counsel further pointed out that after shooting for the web series on 05.06.2022 and 07.06.2022; the FIR has been lodged only on 22.10.2022, i.e., after more than four months, which itself indicates the falsity of the case of the defacto complainant. The learned counsel further contended that the first episode of the web series was telecast on 24.08.2022 and the second and last episode was telecast on 31.08.2022 and even thereafter the FIR was lodged almost after two months. The learned counsel submitted that the allegation of the defacto complainant is misleading and the petitioners have not committed any offences nor have the offences alleged, legally made out.

5. Smt.C.Seena, the learned Public Prosecutor, opposed the grant of bail and submitted that the allegations are serious

and the victim had clearly stated that, contrary to the understanding, the first petitioner had forcibly compelled her to remove her dress and threatened her with claims of compensation and it was in such circumstances that the defacto complainant had to act in the web series, and therefore, custodial interrogation is essential.

6. The learned counsel for the defacto complainant submitted that Annexure-2 agreement shows different dates of signing before the Notary, which itself indicates the fabrication of the false document. It was further submitted that even though the defacto complainant had signed Annexure-2 agreement, she had not signed it in front of the Notary and therefore the documents are fabricated and is a false document. The learned counsel further contended that the defacto complainant is a married woman with two children and that the telecast of web series cause great prejudice.
7. I have considered the rival contentions and have also perused the statement of the defacto complainant as well as the records produced.

8. Annexure-2 is an agreement, based on which the defacto complainant acted in the web series shot by the petitioners and telecast on an OTT platform. The web series was admittedly shot on 05.06.2022 and 07.06.2022 and telecast on 24.08.2022 and 31.08.2022. However, the FIR is seen lodged only on 22.10.2022. It is the admitted case of all parties that the defacto complainant had acted in the web series.
9. Taking note of the contention of the petitioners that the private parts of the defacto complainant have never been either video graphed or shown in any episode of the series, I am of the view that limited custody would suffice the investigation.
10. In the result, this application is allowed on the following conditions:
- (a) Petitioners shall surrender before the Investigating Officer on 03.01.2023 & 04.01.2023 from 9 a.m. to 6 p.m. and shall subject themselves to interrogation.
 - (b) If after interrogation, the Investigating Officer proposes to arrest the petitioners, then, they shall

be released on bail on them executing a bond for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum before the Investigating Officer.

(c) Petitioners shall appear before the Investigating Officer as and when required and shall also co-operate with the investigation.

(d) Petitioners shall not intimidate or attempt to influence the witnesses; nor shall they tamper with the evidence or contact the defacto complainant or her family members;

(e) Petitioners shall not commit any similar offences while they are on bail.

11. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court.

BECHU KURIAN THOMAS
JUDGE

AMV/23/12/2022