

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

WEDNESDAY, THE 8TH DAY OF NOVEMBER 2023 / 17TH KARTHIKA, 1945

BAIL APPL. NO. 9461 OF 2023

CRIME NO.732/2023 OF Shornur Police Station, Palakkad

PETITIONER/ACCUSED:

ABIN.DS.E

AGED 26 YEARS, S/O.SIMON, ABIN NIVAS,

KODANKARA, CHENKAL,

THIRUVANANTHPURAM, PIN - 695132

BY ADV S.LEKHA

RESPONDENT/COMPLAINANT:

STATE OF KERALA

REPRESENTED BY PUBLIC PROSECUTOR,

HIGH COURT OF KERALA, PIN - 682031

BY SRI. P.G. MANU (MAMMALASSERY), SR.PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.11.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated this the 8th day of November, 2023

Apprehending arrest in Crime No.732 of 2023 of Shornur Police Station, Palakkad, registered for offences under Sections 66(C), 67 and 67A of the Information Technology Act, the accused has filed this petition.

2. The prosecution allegation is that on 17.09.2023, the accused with malicious intention morphed the pictures of the defacto complainant and using the name and photograph of her circulated obscene videos through the Facebook ID "Kottayam Kunjachan". He added some sexually obscene words and sentences as the title in the said photos and the said photos were publicly posted and circulated and thus committed the offences alleged.

3. The learned counsel appearing for the petitioner and the learned Public Prosecutor were heard.

4. Learned Public Prosecutor opposed the application and submitted that there are similar antecedents reported against the petitioner and the charge against the petitioner is very serious.

5. After hearing the learned counsel for the petitioner and the learned Public Prosecutor, it cannot be said that the offences

alleged are not attracted in the case apart from similar antecedents against the petitioner. Under such circumstances, I am not inclined to grant anticipatory bail as it will adversely affect a proper investigation.

6. Therefore, the following directions are issued:-

In the event the petitioner surrenders before the Investigating Officer in two weeks, he shall be interrogated and thereafter, shall be produced before the Magistrate having jurisdiction on the date of surrender itself. If the petitioner moves for bail, the court below shall, untrammelled by any of the observations in this order, consider the bail application on merits, as expeditiously as possible. If the petitioner does not surrender before the Investigating Officer, as directed above, the Investigating Officer will be free to arrest the petitioner as if no order has been passed in this case.

The bail application is disposed of as above.

Sd/-
MOHAMMED NIAS C.P.,
JUDGE

mtk