
Firoz Vs State Of Kerala

Bail Application No. 4188 Of 2022

Court: High Court Of Kerala

Date of Decision: June 13, 2022

Acts Referred:

Code of Criminal Procedure, 1973 " Section 439#Indian Penal Code, 1860 " Section 354C, 354D, 509#Protection of Children from Sexual Offences Act, 2012 " Section 11(iv), 12, 13(a), 14#Information Technology Act, 2000, " Section 67B

Hon'ble Judges: Bechu Kurian Thomas, J

Bench: Single Bench

Advocate: M.R.Sarin, Noushad K.A

Final Decision: Allowed

Judgement

Bechu Kurian Thomas, J.

1. This is an application seeking regular bail filed under section 439 of the Code of Criminal Procedure, 1973.

2. Petitioner is the accused in Crime No.94 of 2022 of the Kallambalam Police Station alleging offences punishable under sections 12 r/w section

11(iv), section 14 r/w section 13(a) of the Protection of Children from Sexual Offences Act, 2012, section 67B of the Information Technology Act,

2000 and sections 354-C, 354-D and 509 of the Indian Penal Code, 1860.

3. The prosecution case is that accused, eight in numbers, compelled the survivor to post her nude photographs and videos through instagram and also

induced her to do self penetrative acts. The prosecution also alleges that the accused used the victim for pornography thereby committing the offences

alleged.

4. Sri.M.R.Sarin Panicker, learned counsel for the petitioner submitted that, petitioner, who is the second accused, is totally innocent and that he has

been falsely accused of the offences alleged. He further submitted that accused Nos.1, 5 and 8 have been enlarged on bail by order of this Court on

04.05.2022 and that the investigation has already reached its final stage.

5. Sri.Noushad K.A., learned Public Prosecutor vehemently objected to the grant of bail and submitted that the petitioner has indulged in serious

offences and that investigation has not yet been completed.

6. A perusal of the case diary reveals that prima facie there are materials on record to connect the petitioner with the crime. However, petitioner was

remanded to judicial custody on 22.04.2022. In view of the nature of the offences alleged, I do not find any reason to hold that the continued detention

of the petitioner is required. Therefore, the petitioner is entitled to be released on bail.

In the result, this application is allowed on the following conditions:-

(i) Petitioner shall be released on bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the

satisfaction of the court having jurisdiction.

(ii) Petitioner shall appear before the Investigating Officer as and when required;

(iii) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence or contact the victim or her family members;

(iv) Petitioner shall not commit any offence while he is on bail.

(v) Petitioner shall not leave India without the permission of the Court having jurisdiction.

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 $\tilde{A}$, granted by this Court.