

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937Q

Bail Appl..No. 7374 of 2015

CRIME NO. 2242/2015 OF THIRUVALLA POLICE STATION, PATHANAMTHITTA DISTRICT.
.....

PETITIONER/ACCUSED:

**SAMSON CHACKO @ KEVIN,
AGED 25 YEARS,
THAKIDIYIL BETHANY VILLA,
KIZHAKKAN MUTHOOR,
THIRUVALLA.**

**BY ADVS.SRI.T.P.PRADEEP
SRI.P.K.SATHEES KUMAR**

RESPONDENT(S)/COMPLAINANTS:

- 1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. SUB INSPECTOR OF POLICE,
THIRUVALLA - 689 101.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A. No.7374 of 2015

Dated this the 30th day of November, 2015

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioner is the sole accused in Crime No.2242 of 2015 of Thiruvalla Police registered for an offence punishable under Section 66E of the Information Technology Act, 2000 (for short 'the Act').

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. Section 66E of the Act says that whoever, intentionally or knowingly captures, publishes or transmits the image of a private area of any person without his or her consent, under circumstances violating the privacy of that person, shall be punished with imprisonment which may extend to three years or with fine not exceeding two lakh rupees or with both.

5. Section 77B of the Act states that notwithstanding anything contained in the Code of Criminal Procedure, 1973 the

offence punishable with imprisonment of three years and above shall be cognizable and the offence punishable with imprisonment of three years shall be bailable.

6. This provision makes it amply clear that the offence under Section 66E of the Act for which a punishment prescribed extending upto three years is a bailable offence. Hence, an application under Section 438 Cr.P.C is not maintainable.

With this observation, the bail application is dismissed.

amk

Sd/-
A.HARIPRASAD,
JUDGE.

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P.A to Judge