

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

Bail Appl..No. 8439 of 2014 ()

**CRIME NO. 1144/2014 OF CATONMENT POLICE STATION,
THIRUVANANDAPURAM**

PETITIONER/ACCUSED :

**DR.SUJITH S., AGED 34 YEARS,
S/O. SUSUPALAN.S., RESIDING AT RAMYA, KUDAVOORPARA,
VEDIVACCHAN KOVIL.P.O., THIRUVANANTHAPURAM.**

**BY ADVS.SRI.THOMAS ABRAHAM
SRI.ASWIN.P.JOHN**

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. SUB INSPECTOR OF POLICE,
CONTONMENT POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**

R1 & R2 BY PUBLIC PROSECUTOR SRI. C. RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

B.A. No.8439 of 2014

Dated this the 20th day of July 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner is accused in Crime No.1144 of 2014 of Cantonment Police Station registered for the offences under Secs.66 and 67 of the Information Technology Act and Sec.118(d) of the Kerala Police Act. The prosecution case is that he along with the co-accused hacked the g-mail account of the victim and made electronic documents suggesting that the victim is a gay. The accused took out the printouts of the false electronic records and circulated it among the staff of the college in which the petitioner was working and among the students also.

3. Heard both sides.

4. Sec.66 of the Information Technology Act is a bailable offence as provided under Sec.77B since it is punishable with imprisonment for three years only. The facts of the case indicate that Sec.67 of the Information

Technology Act is not attracted. Sec.118(d) of the Kerala Police Act has been struck down by the honourable Supreme Court. In view of these facts, I am inclined to grant the prayer of the petitioner.

In the result, the bail application is allowed.

1) The petitioner shall be released on bail after interrogation on his executing a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.

2) The petitioner shall appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. every alternate Wednesday for three months or till the final report is filed, whichever is earlier.

3) The petitioner shall surrender his passport before the lower court concerned or if he does not have the one, file an affidavit to that effect.

4) The petitioner shall not leave India without the previous permission of the court of enquiry or the trial court concerned as the case may be.

5) The petitioner shall not destroy or tamper with evidence nor shall he get himself involved in any other criminal case.

6) The petitioner shall not intimidate or attempt to influence the witnesses.

7) The petitioner shall co-operate with investigation of the case.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

If the petitioner surrenders before the Magistrate, this order is not applicable and the learned Magistrate may pass appropriate orders.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge